



भारत का राजपत्र The Gazette of India

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प्राधिकार से प्रकाशित
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सं. 46] नई दिल्ली, नवम्बर 12—नवम्बर 18, 2023, शनिवार/कार्तिक 21—कार्तिक 27, 1945
No. 46] NEW DELHI, NOVEMBER 12—NOVEMBER 18, 2023, SATURDAY/ KARTIKA 21—KARTIKA 27, 1945

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(वित्तीय सेवाएं विभाग)

नई दिल्ली, 6 नवम्बर, 2023

का.आ. 1758.—विशेष न्यायालय (प्रतिभूति संव्यवहार अपराध विचारण) अधिनियम, 1992 की धारा 3 की उप-धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा, वित्तीय सेवाएं विभाग के अंतर्गत अभिरक्षक के कार्यालय, मुंबई की निदेशक सुश्री अनीता रूपावतरम, आईआरएस (आईटी:2003) की प्रतिनियुक्ति की अवधि को दिनांक 24.10.2023 से आगे एक वर्ष की अवधि के लिए और दिनांक 24.10.2024 तक या अभिरक्षक के कार्यालय के समापन (जिसे वर्तमान में दिनांक 31.12.2023 तक बढ़ाया जाता है) या अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[फा. सं. 23/5/2022-आईएफ-1]

नेहा चौहान, उप निदेशक

MINISTRY OF FINANCE**(Department of Financial Services)**

New Delhi, the 6th November, 2023

S.O. 1758.—In exercise of the powers conferred by sub-section (i) of Section 3 of the Special Court (Trial of Offences Relating to Transactions in Securities) Act, 1992, the Central Government hereby extends the deputation tenure of Ms. Anita Rupavataram, IRS (IT:2003), Director, Office of the Custodian, Mumbai under the Department of Financial Services for a further period of one year beyond 24.10.2023 and up to 24.10.2024 or till the winding up of the Office of the Custodian (which is currently extended up to 31.12.2023) or until further orders, whichever is earlier.

[F. No. 23/5/2022-IF-I]

NEHA CHAUHAN, Dy. Director

नई दिल्ली, 10 नवम्बर, 2023

का.आ. 1759.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उप-धारा (1) के खंड (ड) के उप-खंड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री वुमलुनमांग वाल्म के स्थान पर सुश्री अर्पणा भाटिया, सलाहकार (द्विपक्षीय सहयोग) को तत्काल प्रभाव से और अगले आदेशों तक भारतीय निर्यात-आयात बैंक (एक्जिम बैंक) के निदेशक मंडल में निदेशक नामित करती है।

[फा. सं. 9/1/2022-आईएफ-1]

नेहा चौहान, उप निदेशक

New Delhi, the 10th November, 2023

S.O. 1759.—In exercise of the powers conferred by Sub-Clause (i) of Clause (e) of sub-section (1) of Section 6 of the Export Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Ms. Aparna Bhatia, Adviser (Bilateral Cooperation) as Director on the Board of Directors of Export Import Bank of India (Exim Bank) *vice* Shri Vumlungmang Vualnam with immediate effect and until further orders.

[F. No. 9/1/2022-IF-I]

NEHA CHAUHAN, Dy. Director

विद्युत मंत्रालय

नई दिल्ली, 10 नवम्बर, 2023

का.आ. 1760.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन एनएचपीसी लिमिटेड के संपर्क कार्यालय, एनएचपीसी लिमिटेड, 43/वी, विभूतिखंड, गोमती नगर, जिला-लखनऊ, उत्तर प्रदेश, पिन कोड-226010, जिसके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

[फा. सं. 11011/11/9/2023-हिंदी]

धीरज कुमार श्रीवास्तव, मुख्य अभियंता (ईसी, ईटी एवं ईवी, पीपीएम तथा प्रभारी राजभाषा)

MINISTRY OF POWER

New Delhi, the 10th November, 2023

S.O. 1760.—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify the Liaison Office, NHPC Limited, 43/V Vibhuti Khand, Gomti Nagar, District-Lucknow, Uttar Pradesh, Pin Code-226010 of NHPC Limited under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi.

[F. No. 11011/11/9/2023-Hindi]

DHIRAJ KUMAR SRIVASTAVA, Chief Engineer (EC, ET & EV, PPM and In-Charge O.L.)

वाणिज्य और उद्योग मंत्रालय
(उद्योग संवर्धन और आंतरिक व्यापार विभाग)
 नई दिल्ली, 7 नवम्बर, 2023

का.आ. 1761.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में उद्योग संवर्धन और आंतरिक व्यापार विभाग के नियंत्रणाधीन निम्नलिखित क्षेत्रीय निदेशालय, जिसके 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है:

राष्ट्रीय उत्पादकता परिषद्, (क्षेत्रीय निदेशालय)

ई-5 जीआईडीसी, इलेक्ट्रॉनिक एस्टेट, सेक्टर 26, गांधीनगर, गुजरात-382028

[फा. सं. ई-11017/3/2022-हिंदी]

राजीव सिंह ठाकुर, अपर सचिव

MINISTRY OF COMMERCE AND INDUSTRY
(Department for Promotion of Industry and Internal Trade)

New Delhi, the 7th November, 2023

S.O. 1761.—In pursuance of Sub-Rule (4) of Rule 10 of the official language (Use for official purposes of the Union) Rules 1976, the Central Government hereby notifies the following Regional Directorate under control of Department for Promotion of Industry & Internal Trade whose more than 80% staff have acquired working knowledge of Hindi:

National Productivity Council, (Regional Directorate)

E-5, GIDC Electronic Estate, Sector 26, Gandhinagar, Gujarat

[F. No. E-11017/3/2022-Hindi]

RAJEEV SINGH THAKUR, Addl. Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 9 नवम्बर, 2023

का.आ. 1762.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल.के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, गोदावरीखानी के पंचाट (संदर्भ संख्या 20/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/11/2023 को प्राप्त हुआ था।

[सं. एल-22013/01/2023-आईआर((सी.एम-II)]

मणिकंदन.एन, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 9th November, 2023

S.O. 1762.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2017) of the Central Government Industrial Tribunal-cum-Labour Court, Godavarikhani as shown in the Annexure, in the industrial dispute between the Management of S.C.C.L. and their workmen, received by the Central Government on 02/11/2023.

[No. L-22013/01/2023 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE**BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-CUM- ADDL. DIST. & SESSIONS COURT, GODAVARIKHANI.**

PRESENT:- SRI Dr.T.SRINIVASA RAO,
CHAIRMAN-CUM-PRESIDING OFFICER.

TUESDAY, ON THIS THE 1st DAY OF AUGUST, 2023

I.D.No. 20 of 2017

Between:-

1. Palle Odelu, S/o. Venkataiah, (died), Represented by his LR's.
 2. Palle Rajeshwari, W/o Palle Odelu, Age:54 Years, Occ: House wife,
 3. Palle Ramu S/o. Late Palle Odelu, Age:28 Years, Occ: Coolie,
 4. Palle Laxman S/o. Late Palle Odelu, Age:26 Years, Occ: Collie,
- All are R/o. Keshanpally Village, Mutharam Mandal, District Karimnagar (Telangana).

... Petitioners.

A N D

1. The Supdt. of Mines, Singareni Collieries Company Ltd., OCP-3 RG-2 Area, District Karimnagar (Telangana).
2. The General Manager, Singareni Collieries Company Ltd., Ramagundam Area-2, District Karimnagar (Telangana).
3. The Chairman & Managing Director, Singareni Collieries Company Ltd., P.O: Kothagudem, District Khammam (Telangana).

...Respondents.

This case coming before me for final hearing in the presence of **Sri N.Kishan Rao**, Advocate for the Petitioners and of **Sri T.Ravinder Singh**, Counsel for the Respondents; and having been heard and having stood over for consideration till this day, the Tribunal delivered the following:-

:-AWARD:-

1. This is a petition filed U/Sec.2-A (2) of Industrial Disputes Act by Sri Palle Odelu /Petitioner, E.C.No.1102677, Ex.General Mazdoor (died) represented by his LR's of the petitioner No. 2 to 4 praying to set aside the dismissal order Ref.No.RG.2/PER/CF/PO/3932, dt:04-11-2015 passed by the Respondent No.2 and to direct the respondents company to treat the deceased Petitioner No.1 medically unfit while in service with continuity of service all other consequential benefits and dependant employment to his son Palle Ramu including full back wages.

2. The brief averments of the petition are as follows:-

2(a). That the deceased Petitioner/Workman was appointed in the respondents' company during the year 1981 and served for more than (33) Years. He worked as General Mazdoor under the control of the Respondent No.1 for 18 years. During the year, 2013, he suffered from back pain, joint pains and ill-health: as such he submitted application dated 22.03.2013 requesting the respondents' to send him for corporate Medical Board and the Respondent No.2 referred him to the Corporate Medical board vide Ref. No. RG.2/PER/02-C/1158, dt.08.04.2013 for taking necessary actions. He was sent to the Corporate Medical Board (03) times but he did not receive any communication either from medical board or from the respondents as to his medical unfitness or otherwise. Due to Chronic ill-health, back pain and joint pains, he underwent prolonged medical treatment and during the year 2014, he was confined to bed and his health was completely deteriorated. His attendance particulars for (05) preceding years from 2008 to 2013 up to his medical unfit application are furnished here under.

Sl. No.	Year	Total Musters
1	2	3
2	2008	(263) Musters
3	2009	(300) Musters
4	2010	(313) Musters
5	2011	(284) Musters
6	2012	(306) Musters
7	2013 (up to February)	(50) Musters

2(b). Those to deprive the medical unfit benefits and providing dependant employment, the respondents have issued charge sheet, dt.09.02.2015 alleging:

“25 (31): Absence from duty without sanctioned leave or sufficient cause or overstayed beyond sanctioned leave during the year, 2014.”

2(c). There is no deliberate or intentional absence from duty on his part and there is reasonable cost for not attending to duties during the charge sheet year, 2014. He participated in the domestic enquiry and explained his ill-health and his referral to the Corporate Medical Board and his confinement to bed during the year 2014. He submitted detailed representation dt.21.09.2015 to the Show Cause Notice/Enquiry findings report explaining his ill-health and sending him to the Corporate Medical Board (03) times. Thereafter, the respondent No.1 issued one month notice, dt.01.11.2015 stating that he will be attaining superannuation age of (60) years by 25.11.2015 and his services stand terminated w.e.f.,30.11.2015. But, Respondent No.2 illegally dismissed him service through ref. RG.2/PER/CF/PO/3932, dt.04.11.2015 w.e.f.,19.11.2015, which is illegal and against the principles of natural justice. The findings of the enquiry officer are vague, biased and per versed. The Respondent No.2 passed the dismissal order straight away, without issuing any prior show cause notice proposing the punishment of dismissal from service.

2(d). The deceased petitioner/workman had put in nearly (300) musters till the year 2013. He suffered from serious ill-health during charge sheet period and his health condition badly deteriorated. There is reasonable and sufficient cause for the alleged absence of the petitioner. The capital punishment of dismissal from service is highly excessive and shockingly disproportionate. The respondents dismissed him from service to deprive the medical unfit benefits and dependant employment to Palle Ramu son of the Deceased/Workman. It is a clear case of unfair labor practice and victimization. This court has every jurisdiction U/Sec.2-(A) (2) of I.D Act to try the case and wide powers are vested U/Sec.11-A of I.C. Act to set aside the dismissal order and to grant every relief to the petitioners. Hence, they pray to set aside the dismissal order, dt.04.11.2015 passed by the respondent No.2 and to direct the respondents' company to treat the Deceased/Workman medically

unfit while in service, with continuity of service with all attendant benefits and dependant employment to the Petitioner No.3/Palle Ramu including full back wages.

3. On the other side the respondents/management has filed counter by admitting the employment of the petitioner/workman with the respondents'/ Company, however, inter-alia contended that the vide application dt.24.03.2013 requested for reference to Corporate Medical Board as he was suffering from lower back pain and joints pain. The same was forwarded to Dy.Chief Medical Officer, Area Hospital, RG vide letter dt.08.04.2013. The Petitioner had applied for Corporate Medical Board through online mode vide I.D.No.13080675 and he was called for screening test on 08.11.2013 and he was examined by Ortho Surgeon and Physician of the Defendant Company and found him fit for duty.

3(a). That the services of the employees of the Respondent Company are governed by Company Standing Orders. Further according to Section 52(2) of the Mines Act, 1952 an underground employee is required to put in minimum musters of 190 and surface employees 240 musters. The Petitioner being an underground employee, he is expected to put in minimum of 190 musters in a calendar year but the employee being a chronic absentee had put in nil musters in the year 2014 and 2015 (till September), therefore he was charge sheeted. During the period from January, 2014 to December 2014, he has put in NIL musters. As the above act amounted to misconduct under Companies Standing Orders clause No.25.31 he was charge sheeted vide charge sheet No. RG2/OC3EP(O)/204/793 dt.09.02.2015 and the same was received and acknowledged by the Petitioner. Enquiry was conducted on 25.05.2015, he attended the enquiry and fully participated in the enquiry proceedings. During the enquiry, he voluntarily accepted the charges leveled against him and stated that due to ill-health he could not perform duties, therefore he remained absent from services and applied for board medical examination.

3(b). That having fully participated in the enquiry and having affixed his signatures voluntarily, he cannot at this stage deny the enquiry. The Enquiry Officer having conducted enquiry proceeding duly following the principles of natural justice submitted his findings vide enquiry report by holding him guilty of misconduct under Company Standing Orders. Show cause notice dt.09.06.2015 was issued duly enclosing the copy of the enquiry report to make any representation against the findings of the enquiry officer, to which he submitted his representation dt.21.09.2015. The Respondent Company having gone through the past record and his representation, found no extenuating circumstances to take a lenient view, therefore the petitioner was dismissed from the services of the Respondent Company vide Office Order No. RG2/PER/CF/PO/3932, dt.4.11.2015 w.e.f., 17.11.2015.

3(c). As per Article-311 (1) of Constitution of India, no person who is a member of a Civil Service of the Union or an All India Service or Civil Service of a State or holds a civil post under the Union or State shall be dismissed or removed by an authority subordinate to that by which he was appointed. This makes it clear that the provision is applicable to only to the person holding civil post. And as per Article 311(2), no such person as aforesaid shall be dismissed removed or reduced in rank except after an enquiry in which he has been informed the charges against him and given a reasonable opportunity of being heard in respect of those charges. From the above clause, it is clear that issue of show cause notice proposing punishment is not a requirement of the principles of natural justice. More over

the respondent company's standing orders which were approved as per the provisions of Industrial Employment (Standing Orders) Act, 1946, do not speak about issue of show cause notice proposing the punishment to be imposed on the delinquent employee. It is submitted that from the above, it is clear that there is no victimization, nor the punishment of dismissal is harsh. The Respondent Company was very much correct in imposing the punishment of dismissal because of the misconduct and the reckless attitude of the Petitioner.

3(d). That the Respondent's company employs more than 60,000 persons, which includes workmen, executives and supervisors. The production results will depend upon the overall attendance and performance of each and every individual. They are interlinked and inseparable. In this regard, if any one remains absent, without prior sanction of leave or without any justified cause, the work to be performed get effected. Such unauthorized absence creates sudden void, which at times is very difficult to fill-up, and there will be no proper planning and already planned schedules get suddenly disturbed without prior notice. That is the reason why the Respondents Company is compelled to take severe action against the unauthorized absentees. In the instant case, the Petitioner is one such unauthorized absentee having put NIL Musters in the year, 2014 and failed to improve his attendance and work performance. With the advent and implementation of new industrial and economic policies by the Central Government as well as company, the Respondent company cannot go on employing the persons who are chronic absentees, who are burden to the Respondent company as such the Respondent company was constrained to dismiss the Petitioner vide office order dt.04.11.2015 w.e.f. 17.11.2015. The other allegations of the petition are denied and the respondents' company prays to dismiss the petition.

4. In this case, the domestic enquiry conducted the by respondents company was held invalid by this court vide order dt.29.08.2019. The respondents company examined one witness by name Mandala Srinivas, Senior Personnel Officer as MW-1 and got marked Ex.M-1 to Ex.M-13 on 22-02-2022. The Petitioners who are L.Rs of the deceased Workman got examined the Petitioner No.2 Palle Ramu as WW-1 and got marked Ex.W-1 to W-4.

5. Arguments of the learned counsel for Petitioners as well as learned counsel for the Respondents heard.

6. *Now the points for consideration are*

1. *“Whether the domestic enquiry conducted by the respondent is held valid or not?*
2. *Whether the charge leveled against the deceased Workman are proved basing on evidence or not?*
3. *Whether the Dismissal order, dt.04-11-2015 is liable to be set aside, if so, the petitioners who are the LR's of the deceased Workman are entitled to the relief dependant employment, all consequential attendant benefits and full back wages?*

If not to what relief the LR's are worker entitled to?”

7. From the pleadings of the Petitioner/Workman and Respondents/Company, these are the admitted facts that the petitioner/ workman worked as General Mazdoor in the Respondents/Company and dismissed from service. Ex.M-1 is the office copy of application of the petitioner, dt.24.03.2013. Ex.M-2 is office copy of letter, dt.08.04.2013. Ex.M-3 is the attested copy of petitioner identity form, dt.04.11.2013. Ex.M-4 is the medical board examination report, dt.08.11.2013. Ex.M-5 is the bunch of pay slips (12 nos.) from January to December, 2014. Ex.M-6 is the office copy of charge sheet, dt.09.02.2015. Ex.M-7 is the office copy of enquiry notice. Ex.M-8 is the original enquiry proceedings, dt.25.05.2015. Ex.M-9 is the original enquiry report. Ex.M-10 is the office copy show cause notice, dt.09.06.2015. Ex.M-11 is the explanation of petitioner to the show cause notice, dt.21.09.2015. Ex.M-12 is the original office copy of dismissal order, dt.04.11.2015. Ex.M-13 is the acknowledgement, dt.17.11.2015 in receipt of dismissal order. On the other side, the petitioner got marked Ex.W-1 to W-4 on their behalf. Ex W-1 is one month notice, dt.01.10.2015. Ex.W-2 is the registered post receipt, dt.04.07.2016. Ex.W-3 is the acknowledgement, dt.27.07.2018 and Ex.W-4 is the death certificate of Petitioner No.1 i.e., Palle Odelu, dt.27.07.2019. The above documents of both sides are not in much dispute by either side.

8. Here, the learned counsel for the respondent has strenuously argued that the employment of the petitioner/workman with the respondents' Company, however, inter-alia contended that the vide application dt.24.03.2013 requested for reference to Corporate Medical Board as he was suffering from lower back pain and joints pain. The same was forwarded to Dy.Chief Medical Officer, Area Hospital, RG vide letter dt.08.04.2013. The Petitioner had applied for Corporate Medical Board through online mode vide I.D.No.13080675 and he was called for screening test on 08.11.2013 and he was examined by Ortho Surgeon and Physician of the Defendant Company and found him fit for duty. Further, the services of the employees of the Respondent Company are governed by Company Standing Orders. Further according to Section 52(2) of the Mines Act, 1952 an underground employee is required to put in minimum musters of 190 and surface employees 240 musters. The Petitioner being an underground employee, he is expected to put in minimum of 190 musters in a calendar year but the employee being a chronic absentee had put in nil musters in the year 2014 and 2015 (till September), therefore he was charge sheeted. During the period from January, 2014 to December 2014, he has put in NIL musters. As the above act amounted to misconduct under Companies Standing Orders clause No.25.31 he was charge sheeted vide charge sheet No. RG2/0C3EP(O)/204/793

dt.09.02.2015 and the same was received and acknowledged by the Petitioner. Enquiry was conducted on 25.05.2015, he attended the enquiry and fully participated in the enquiry proceedings. During the enquiry, he voluntarily accepted the charges leveled against him and stated that due to ill-health he could not perform duties, therefore he remained absent from services and applied for board medical examination. Further, having fully participated in the enquiry and having affixed his signatures voluntarily, he cannot at this stage deny the enquiry. The Enquiry Officer having conducted enquiry proceeding duly following the principles of natural justice submitted his findings vide enquiry report by holding him guilty of misconduct under Company Standing Orders. Show cause notice dt.09.06.2015 was issued duly enclosing the copy of the enquiry report to make any representation against the findings of the enquiry officer, to which he submitted his representation dt.21.09.2015. The Respondent Company having gone through the past record and his representation, found no extenuating circumstances to take a lenient view, therefore the petitioner was dismissed from the services of the Respondent Company vide Office Order No. RG2/PER/CF/PO/3932, dt.4.11.2015 w.e.f., 17.11.2015.

8(a). As per Article-311 (1) of Constitution of India, no person who is a member of a Civil Service of the Union or an All India Service or Civil Service of a State or holds a civil post under the Union or State shall be dismissed or removed by an authority subordinate to that by which he was appointed. This makes it clear that the provision is applicable to only to the person holding civil post. And as per Article 311(2), no such person as aforesaid shall be dismissed removed or reduced in rank except after an enquiry in which he has been informed the charges against him and given a reasonable opportunity of being heard in respect of those charges. From the above clause, it is clear that issue of show cause notice proposing punishment is not a requirement of the principles of natural justice. More over the respondent company's standing orders which were approved as per the provisions of Industrial Employment (Standing Orders) Act, 1946, do not speak about issue of show cause notice proposing the punishment to be imposed on the delinquent employee. It is submitted that from the above, it is clear that there is no victimization, nor the punishment of dismissal is harsh. The Respondent Company was very much correct in imposing the punishment of dismissal because of the misconduct and the reckless attitude of the Petitioner. Further, the Respondent's company employs more than 60,000 persons, which includes workmen, executives and supervisors. The production results will depend upon the overall attendance and performance of each and every individual. They are interlinked and inseparable. In this regard, if any one remains absent, without prior sanction of leave or without any justified cause, the work to be performed get effected. Such unauthorized absence creates sudden void, which at times is very difficult to fill-up, and there will be no proper planning and already planned schedules get suddenly disturbed without prior notice. That is the reason why the Respondents Company is compelled to take severe action against the unauthorized absentees. In the instant case, the Petitioner is one such unauthorized absentee having put NIL Musters in the year, 2014 and failed to improve his attendance and work performance. With the advent and implementation of new industrial and economic policies by the Central Government as well as company, the Respondent company cannot go on employing the persons who are chronic absentees, who are burden to the Respondent company as such the Respondent company was constrained to dismiss the Petitioner vide office order dt.04.11.2015 w.e.f. 17.11.2015. The other allegations of the petition are denied and the respondents' company prays to dismiss the petition

9. Per contra, the learned counsel for the Petitioner/workman vehemently contended that during the year, 2013, the petitioner suffered from back pain, joint pains and ill-health: as such he submitted application dated 22.03.2013 requesting the respondents' to send him for corporate Medical Board and the Respondent No.2 referred him to the Corporate Medical board vide Ref. No. RG.2/PER/02-C/1158, dt.08.04.2013 for taking necessary actions. He was sent to the Corporate Medical Board (03) times but he did not receive any communication either from medical board or from the respondents as to his medical unfitness or otherwise. Due to Chronic ill-health, back pain and joint pains, he underwent prolonged medical treatment and during the year 2014, he was confined to bed and his health was completely deteriorated. His attendance particulars for (05) preceding years from 2008 to 2013 up to his medical unfit application are furnished here under.

Sl. No.	Year	Total Musters
1	2	3
2	2008	(263) Musters
3	2009	(300) Musters
4	2010	(313) Musters
5	2011	(284) Musters
6	2012	(306) Musters
7	2013 (up to February)	(50) Musters

9(a). Further, those to deprive the medical unfit benefits and providing dependant employment, the respondents have issued charge sheet, dt.09.02.2015 alleging:

"25 (31): Absence from duty without sanctioned leave or sufficient cause or overstayed beyond sanctioned leave during the year, 2014."

9(b). Further, there is no deliberate or intentional absence from duty on his part and there is reasonable cost for not attending to duties during the charge sheet year, 2014. He participated in the domestic enquiry and explained his ill-

health and his referral to the Corporate Medical Board and his confinement to bed during the year 2014. He submitted detailed representation dt.21.09.2015 to the Show Cause Notice/Enquiry findings report explaining his ill-health and sending him to the Corporate Medical Board (03) times. Thereafter, the respondent No.1 issued one month notice, dt.01.11.2015 stating that he will be attaining superannuation age of (60) years by 25.11.2015 and his services stand terminated w.e.f.,30.11.2015. But, Respondent No.2 illegally dismissed him service through ref. RG.2/PER/CF/PO/3932, dt.04.11.2015 w.e.f.,19.11.2015, which is illegal and against the principles of natural justice. The findings of the enquiry officer are vague, biased and per versed. The Respondent No.2 passed the dismissal order straight away, without issuing any prior show cause notice proposing the punishment of dismissal from service.

9(c). The deceased petitioner/workman had put in nearly (300) musters till the year 2013. He suffered from serious ill-health during charge sheet period and his health condition badly deteriorated. There is reasonable and sufficient cause for the alleged absence of the petitioner. The capital punishment of dismissal from service is highly excessive and shockingly disproportionate. The respondents dismissed him from service to deprive the medical unfit benefits and dependant employment to Palle Ramu son of the Deceased/ Workman. It is a clear case of unfair labor practice and victimization. This court has every jurisdiction U/Sec.2-(A) (2) of I.D Act to try the case and wide powers are vested U/Sec.11-A of I.C. Act to set aside the dismissal order and to grant every relief to the petitioners. Hence, they pray to set aside the dismissal order, dt.04.11.2015 passed by the respondent No.2 and to direct the respondents' company to treat the Deceased/Workman medically

unfit while in service, with continuity of service with all attendant benefits and dependant employment to the Petitioner No.3/Palle Ramu including full back wages.

POINT No.1:

10. In this matter, initially the petitioner/workman denied the validity and legality of the enquiry report. But, on 20.06.2019 this Tribunal has framed issues to decide the validity of domestic enquiry. Accordingly, this Tribunal has passed separate orders holding that the domestic enquiry is invalid on the ground that on 08.06.2013 the petitioner was referred to corporate medical board and pending the examination before medical board he was been terminated from service. Hence, this Court is of the considerable view that though the opportunity was given to the petitioner, it is not full-fledged opportunity been given to him, his medical examination was pending before the medical board and without awaiting for the result of the medical board, the enquiry proceedings were concluded. Therefore, it is clear that the domestic enquiry conducted against the petitioner is against to the principles of natural justice and biased. Since, the domestic enquiry was held invalid, this Tribunal recorded evidence on behalf of the respondents company who examined one witness by name Mandala Srinivas, Senior Personnel Officer as MW-1 and got marked Ex.M-1 to Ex.M-13 on 22-02-2022. On the other side, the Petitioners who are L.Rs of the deceased Workman got examined the Petitioner No.2 Palle Ramu as WW-1 and got marked Ex.W-1 to W-4. Accordingly, the Point No.1 is answered.

POINT No.2 & 3:

11. In view of the pleadings of the Petitioner/Workman as well as Respondents/corporation as well as in view of the arguments of their respective counsel now this Court will go into the evidence on record. Admittedly, the petitioner was dismissed from service on 04.11.2015 wherein it is alleged that the petitioner was absent from duty without sanctioned leave or sufficient cause or overstayed beyond sanctioned leave during the year 2014. Whereas, coming to the evidence of WW.1, according to it, it is nothing but replica of petition contents. But, whereas during cross examination he categorically stated that he did not produce the medical certificates since in the year 2014 his father was bed ridden and took treatment. Further, he admitted that for every disease, the SCCL Company will provide treatment and he did not file any medical documents to show that his deceased father have undergone treatment in Singareni hospital. Further, WW-1 stated that in this case, he did not file such documents and he do not know, whether the Singareni Department will notify the list of the fit/unfit candidates in the online portal of singareni. Further, WW.1 admitted that his father did not file any documents to show that he applied for the medical board for examination and the medical board did not respond and he also did not file any such documents. Further, WW.1 admitted that in 2014 his deceased father did not attend duty in a single day and every underground employee must attend duty for 190 days and the underground employee, without prior sanction cannot disappear from duty. Further, he stated that neither his father nor himself filed any documents to show that his father applied for leave out of 365 days for the year 2014. Further, he admitted that he did not file any documents to show the reason why his father did not attend duty for all the days in 2014 and unless, an employee of singareni is medically unfit, his dependants cannot get job under compassionate. Further, he admitted that there is no document to show that his father is medically unfit.

12. On the other hand, during the cross examination of MW.1, he stated that according to the past record of the petitioner/workman he regularly attended the job up to 2013. Further, he admitted that the petitioner submitted an application to send him Medical board on account of ill-health even prior to more than two (2) years service. Here, MW-1 stated that the petitioner submitted application through online and he was called for medical board on 08.11.2013 and his online I.D. number is 13080675 and he has undergone screening test then after he was declared as fit for duty by the medical board. Upto 2015 there is no availability to put the medical reports in online. Further, MW.1 stated that since the petitioner submitted application through online through registered mobile number, the

medical board gave information through said registered mobile number to the concerned and from the date of medical examination the petitioner continuously absented to his duties.

13. A perusal of the record, it is evident that the application, dt.24.03.2013 submitted by the Petitioner No.1/deceased employee under Ex.M-1 requesting for reference to the corporate medical board was forwarded by the respondents to the Dy. Chief Medical Officer, Area Hospital, Ramagundam vide letter, dt.08.04.2013 under Ex.M-2. Further, it appears that he was called for screening test on 08.11.2013 and he was examined by Ortho surgeon and physician of the respondents company, as per the counter filed by the respondents. Hence, it is clear that the deceased Petitioner No.1 was referred to medical board on 08.11.2013 for screening test due to ill-health. Moreover, as stated under Point No.1 that that on 08.06.2013 the petitioner was referred to corporate medical board and pending the examination before medical board he was been dismissed from service. As such, though the opportunity was given to the petitioner during domestic enquiry, it is not full-fledged opportunity been given to him since his medical examination was pending before the medical board and without awaiting for the result of the medical board, the enquiry proceedings were concluded. Further, it is an admitted fact that the domestic enquiry conducted by the Respondents/ Company was held invalid by Order, dt.29.08.2019 and the Respondents/Company did not take any objection or did not that file any appeal on the above preliminary order. However, on the above aspect, the respondents/company filed a Xerox copy of medical board report of the Petitioner No.1/ deceased employee which was attested by General Manager, SCCL, Ramagundam Area-II, marked under Ex.M.4, dated 20.11.2013, wherein, it is the contention of the respondents company that as per Ex.M-4 there is an endorsement made in it "Adv., Fit for duty" and hence, the Petitioner No.1/deceased employee was found fit for duty. Whereas, a perusal of Ex.M-4, it shows that there is no clear endorsement of the medical board stating that the reasons for which the deceased petitioner No.1 was made fit for duty. Moreover, the respondents company failed to file any single document to show that the Petitioner No.1/deceased employee was intimated that he was found medically "fit for duty" by the medical board. On the other hand, even there is no single document to show that the medical board report under Ex.M-4 was ever communicated to the Petitioner No.1/deceased employee. Therefore, this Tribunal is of the considered opinion that the deceased Petitioner No.1 was dismissed from service pending the result of medical examination board.

13(a). Apart from the above, a perusal of Ex.W-1 one month notice, it shows that the Petitioner No.1/deceased employee is attaining the age of 60 years by 25.11.2015, in this connection, the Petitioner No.1/deceased employee was given one month notice stating that he will be attaining the age of 60 years by 25-11-2015 of termination of service under company's standing orders and his services stand terminated with effect from the expiry of his working hours on 30.11.2015. But, a perusal of Ex.W-2 Office Order, dt.04.11.2015, it shows that surprisingly the Petitioner No.1/ deceased employee was dismissed from the service i.e., after issuing one month notice of superannuation age of 60 years. Hence, it appears that the Petitioner No.1/deceased employee was dismissed from service just prior to 25 days of his retirement. However, even if the petitioners failed to submit any medical record to show that the petitioner No.1/deceased employee is suffering from ill-health, due to which, he failed to attend the duties in the year 2014. Moreover, even there is no record to show that the petitioner No.1/deceased employee was medically unfit, there is no dispute by the Respondents/Company that the deceased petitioner No.1 was suffering with ill-health and he has not applied for medical board for unfit him from service. Hence, there it is needless to file any medical documents evidence whether the deceased Petitioner No.1 was ill-health or not.

14. Here, this Tribunal relied upon a Judgment of Hon'ble Delhi High Court between Sh. Navin Chandra vs Union Of India (Uoi) And Others, dt.27-07-2006, wherein their lordships held that *the respondents have heavily relied upon the judgment of the Supreme Court in the case of Controller of defense Accounts (Pension) and Ors v. S.Balachandran Nair to contend that the opinion of the Medical Board is final and cannot be questioned before the Court. The principle of law enunciated by the Supreme Court in this case is not a matter of controversy and in any case is binding on the Courts. Their Lordships have clearly indicated that the view expressed by the Medical Board has primacy and would be respected by the Courts. There can be no doubt to the proposition that for the opinion of the Medical Board to attain its primacy as afore-referred, it must be in conformity with the statutory provisions framed by the competent authorities. If a report is ex-facie not in conformity with the various regulations is not supported by any investigative or diagnostic evidence and is arbitrary or ex-facie perverse then it cannot be permitted to have the same value as indicated in the various judgments of the High Courts as well as the Supreme Court.*

14(a). Therefore, in the present case on hand, admittedly, the respondents/ Company did not adduce any evidence by examining any of the doctor from medical board to show that the deceased Petitioner No.1 was made fit for duty and the same was intimated to the deceased Petitioner No.1. Further, on the other hand even as per the evidence of MW.1, he stated that according to the past record of the petitioner/workman he regularly attended the job up to 2013 and he further admitted that the deceased petitioner submitted an application to send him Medical board on account of ill-health even prior to more than two (2) years service. Therefore, it is clear that the deceased Petitioner No.1 was suffering with ill-health during 2013 and due to which, he failed to attend the duty. Therefore, in view of the above discussions, it is clear that the deceased Petitioner No.1 has not attended the duty on account his ill-health since he was waiting for the result from medical board of the respondents company, whether he was fit or unfit to the duty. Moreover, dismissing the deceased Petitioner No.1 from service just prior to 25 days of his retirement, which is nothing but unfair labour practice and victimization.

15. Further, the contention of the Petitioner No.1/deceased employee is that he was appointed as General Mazdoor in the year 1981, and served the company for 33 years, this is his very 1st dismissal from service and he hails from a very poor family and has got no other livelihood and facing untold financial problems, hence prayed to consider the case under section 11-A of I.D., Act.

16. In support of the above contentions, the learned counsel for the petitioner/workman has relied upon a decision of the Hon'ble High Court reported in 2012 (1) ALD 220 (DB), wherein their lordships observed that:

“The Industrial Disputes Act, 1947 is a social welfare legislation, which required to be interpreted keeping in view the goals set out in the Preamble and Directive principles of State Policy in Part-IV of the Constitution. Merely because workman approached to Labour Court with delay, relief cannot be denied. No indication in the Act that delay extinguishes right conferred on the workmen under Industrial Law. The Labour Court is conferred with very wide discretion under section 11-A. The Industrial Court conferred with very wide discretion under section 11-A of the Act for granting appropriate relief”.

17. Therefore, in view of the above decisions and the facts and circumstances of the case, if we come to quantum of sentence it is settled law that the discretion of which can be exercised under section 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the Court, or the existence of any mitigating circumstances which require the reduction of the sentence, or the past conduct of the workman which may persuade the Labour Court to reduce the punishment. Therefore, in the present case on hand, a perusal of record, it shows that the Petitioner No.1/deceased employee served the company from the year 1981 i.e., for 33 years and this is his very 1st dismissal from service. Further, the petitioners submitted that they hail from a very poor family and has got no other livelihood and facing untold financial problems, hence prayed to consider the case under section 11-A of I.D., Act. Moreover, there is no dispute that the petitioner No.1/ deceased employee has attended his duties regularly upto 2013. Further, admittedly, there is no dispute that the petitioner applied for medical board on account of ill-health i.e., lower back pain and joint pain and he was forwarded to Dy. Chief Medical Officer, Area Hospital, vide letter, dt.08.04.2013 marked under Ex.M-2. Hence, it can be said that the petitioner No.1/deceased employee is suffering from ill-health and as discussed above, the respondents/company failed to intimate the deceased Petitioner No.1 with regard to his result of medical examination. Hence, in view of the above circumstances of the case as well as 33 years of service rendered by the Petitioner No.1/ deceased employee as well as since the respondents/company failed to intimate whether the deceased Petitioner No.1 was made fit for duty or not, the deceased Petitioner No.1 shall be treated as medically unfit for duty. Consequently, the LR petitioners are entitled for medical unfit benefits of deceased Petitioner No.1. Hence, this Tribunal is of the opinion that the punishment imposed by the respondents/company against the Petitioner No.1/deceased employee is illegal, hence, deserves to be set aside since the disciplinary authority cannot be permitted to act arbitrarily and work like a Roman Knight and it cannot be allowed a fight between David and Goliath as in the present case on hand.

18. Therefore, in view of the above facts and circumstances and keeping in view of the principle “*temper justice with mercy*” and to meet the ends of justice, this Tribunal is of the opinion that the punishment imposed on the Petitioner No.1/deceased employee vide the Proceedings, dt.04.11.2015 under Ex.M-12 is set aside as illegal, hence, it deserves to be set aside. However, since the Petitioner No.1 was dead on 21.07.2019 as per Ex.W-4 and his legal heirs are brought on record, the relief is to be molded by this Tribunal properly and this Tribunal is of the considered opinion that the Petitioner No.2/Palle Ramu who is son of the deceased employee is entitled to dependant employment. Further, admittedly, there is no dispute that the LR petitioners are received retirement benefits of the Petitioner No.1/deceased employee; hence, the LR petitioners are not entitled for any benefits except dependant employment to the Petitioner No.2/Palle Ramu and the Petitioner No.1/ deceased employee shall be treated as medically unfit from service. However, the petitioners are not entitled to any back wages since the petitioners might have gainfully employed during pendency of this Industrial Dispute from the date of dismissal of petitioner. Hence, the punishment imposed by the Respondents company is hereby set aside. Accordingly, the Point No.2 & 3 are answered.

19. In the result, the petition is allowed partly and the dismissal order dt.04.11.2015 under Ex.M-12 is hereby set aside. The Respondents' company is hereby directed to provide dependant employment to the Petitioner No.2/Palle Ramu. However, the LR petitioners are not entitled to any back wages and any other medical unfit benefits. The Award shall come into force on expiry of (30) days from the date of its publication.

Typed to my dictation by Senior Stenographer, corrected and pronounced by me in the open court, on this the 1st day of August, 2023.

Dr. T. SRINIVASA RAO, Chairman-cum-Presiding Officer

APPENDIX OF EVIDENCE**WITNESSES EXAMINED**

FOR WORKMAN:-

-Nil-

FOR MANAGEMENT:-

-Nil-

EXHIBITS

FOR WORKMAN:-

Ex.W-1	Dt.	01.10.2015	One month notice
Ex.W-2	Dt.	04.07.2016	Registered post receipt
Ex.W-3	Dt.	27.07.2018	Acknowledgement
Ex.W-4	Dt.	27.07.2019	Death certificate of petitioner

FOR MANAGEMENT:-

Ex.M-1	Dt.	24.03.2013	Office copy of application of the petitioner
Ex.M-2	Dt.	08.04.2013	Office copy of letter
Ex.M-3	Dt.	04.11.2013	Attested copy of petitioner identity form
Ex.M-4	Dt.	08.11.2013	Medical board examination report
Ex.M-5	Dt.	--	Bunch of pay slips (12 Nos.) from January to December, 2014
Ex.M-6	Dt.	09.02.2015	Office copy of charge sheet
Ex.M-7	Dt.	--	Office copy of enquiry notice
Ex.M-8	Dt.	25.05.2015	Original enquiry proceedings
Ex.M-9	Dt.	--	Original enquiry report
Ex.M-10	Dt.	09.06.2015	Office copy of show cause notice
Ex.M-11	Dt.	21.09.2015	Explanation of the petitioner to the show cause notice
Ex.M-12	Dt.	04.11.2015	Original office copy of dismissal order
Ex.M-13	Dt.	17.11.2015	Acknowledgement in receipt of dismissal order.

नई दिल्ली, 9 नवम्बर, 2023

का.आ. 1763.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार परियोजना प्रबंधक, मेसर्स नवुआ इंजीनियरिंग कंपनी लिमिटेड, एनटीपीसी बाढ़, पटना (बिहार); संयुक्त महाप्रबंधक, एनटीपीसी/एसटीपीपी, बाढ़, पटना (बिहार), के प्रबंधन के संबंधित नियोजकों और श्री संजय कुमार पांडे/आईडी संख्या 14/2015, श्री संजीव कुमार पासवान/आईडी संख्या 15/2015, श्री रवि मंडल/आईडी संख्या 16/2015, श्री निरंजन कुमार/आईडी संख्या 17/2015, श्री राजेश कुमार/आईडी संख्या 18/2015, श्री रवि कुमार/आईडी संख्या 19/2015, श्री विनोद साह/आईडी संख्या 20/2015, श्री प्रभाकर सिंह/आईडी संख्या 21/2015, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 धनबाद पंचाट(संदर्भ संख्या.14/2015,संदर्भ संख्या.15/2015,संदर्भ संख्या.16/2015, संदर्भ संख्या.17/2015, संदर्भ संख्या.18/2015, संदर्भ संख्या.19/2015, संदर्भ संख्या.20/2015, संदर्भ संख्या. 21/2015, को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 19.10.2023 को प्राप्त हुआ था।

[सं. एल -42012/06/2015- आईआर(डीयू)/i.r.to ID No.14/2015

सं. एल -42012/08/2015- आईआर(डीयू)/i.r.to ID No.15/2015

सं.एल -42012/09/2015- आईआर(डीयू)/i.r.to ID No.16/2015

सं. एल -42012/10/2015- आईआर(डीयू)/i.r.to ID No.17/2015

सं. एल -42012/11/2015- आईआर(डीयू)/i.r.to ID No.18/2015

सं. एल -42012/12/2015- आईआर(डीयू)/i.r.to ID No.19/2015

सं. एल -42012/13/2015- आईआर(डीयू)/i.r.to ID No.20/2015

सं. एल -42012/14/2015- आईआर(डीयू)/i.r.to ID No.21/2015]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th November, 2023

S.O. 1763.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.ID No.14/2015, -ID No.15/2015, ID No.16/2015, ID No.17/2015, ID No.18/2015, ID No.19/2015, ID No.20/2015, ID No.21/2015), of the Central Government Industrial Tribunal cum Labour Court - II Dhanbad as shown in the Annexure, in the Industrial dispute between the employers in relation to The Project Manager, M/s Navyua Engineering Co. Ltd., NTPC Barh, Patna (Bihar) ;The Joint General Manager, NTPC/STPP , Barh, Patna (Bihar), and Shri Sanjay Kumar Pandey/ID No 14 of 2015, Shri Sanjeev Kumar Paswan /ID No 15 of 2015, Shri Ravi Mandal /ID No 16 of 2015,Shri Niranjana Kumar/ID No 17 of 2015,Shri Rajesh Kumar/ID No 18 of 2015,Shri Ravi Kumar/ID No 19 of 2015, Shri Binod Sah /ID No 20 of 2015, Shri Prabhakar Singh/ID No 21 of 2015,Worker, which was received along with soft copy of the award by the Central Government on 19.10.2023.

[No. L-42012/06/2015-IR (DU) i.r.to ID No.14/2015

No. L-42012/08/2015-IR (DU) i.r.to ID No.15/2015

No. L-42012/09/2015-IR (DU) i.r.to ID No.16/2015

No. L-42012/10/2015IR (DU) i.r.to ID No.17/2015

No. L-42012/11/2015-IR (DU) i.r.to ID No.18/2015

No. L-42012/12/2015-IR (DU) i.r.to ID No.19/2015

No. L-42012/13/2015-IR (DU) i.r.to ID No.20/2015

No. L-42012/14/2015IR (DU) i.r.to ID No.21/2015]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

PRESENT

Dr. S. K.Thakur

Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the

I.D.Act.,1947.

REFERENCE NO 14 OF 2015:

Sh. Sanjay Kumar Pandey

S/o R.C.Pandey

Kajmunni Chawk, Ballypur, Ward No. 20, PO &

Barh,Patna

Vs.

i) The Project Manager,

M/s Navyua Engineering Co. Ltd.,

NTPC Barh, Patna (Bihar) 803213

ii) The Joint General Manager,

NTPC/STPP

Barh, PATNA (BIHAR)

(Ministry's Order No.L-42012/06/2015-IR (DU) dated

05.03.2015)

With

REFERENCE NO 15 OF 2015:

Sh. Sanjeev Kumar Paswan ,
S/o Nagendra Paswan,
Village & PO: Raily .P.S.Pandarak
PATNA (BIHAR) 803213
Vs.

- i) The Project Manager,
M/s Navyua Engineering Co. Ltd.,
NTPC Barh, Patna (Bihar) 803213
- ii) The Joint General Manager,
NTPC/STPP
Barh, PATNA (BIHAR)
- (Ministry's Order No.L-42012/08/2015-IR (DU) dated
11.03.2015)

WITH**REFERENCE NO 16 OF 2015:**

Sh. Ravi Mandal
S/o Shankar Pd. Mandal ,
Pandarak,Patna 803213
Vs.

- i) The Project Manager,
M/s Navyua Engineering Co. Ltd.,
NTPC Barh, Patna (Bihar) 803213
- ii) The Joint General Manager,
NTPC/STPP
Barh, PATNA (BIHAR)

(Ministry's Order No.L-42012/09/2015-IR (DU) dated
11.03.2015)

WITH**REFERENCE NO 17 OF 2015:**

Sh. Niranjan Kumar
S/o Amrik Yadav ,
Vill:Gulab Bagh Barh ,Patna
Vs.

- i) The Joint General Manager,
NTPC/STPP
Barh,PATNA (BIHAR)
- ii) The Project Manager,
M/s Navyua Engineering Co. Ltd.,
NTPC Barh, Patna (Bihar) 803213

(Ministry's Order No.L-42012/10/2015-IR (DU) dated
11.03.2015)

WITH

REFERENCE NO 18 OF 2015:

Sh. Rajesh Kumar ,
Vill. PO & P.S> Sabour ,Bhagalpur
Vs.

- i) The Project Manager,
M/s Navyua Engineering Co. Ltd.,
NTPC Barh, Patna (Bihar) 803213
ii) The Joint General Manager,
NTPC/STPP
Barh,PATNA (BIHAR)

(Ministry's Order No.L-42012/11/2015-IR (DU) dated
11.03.2015)

With

REFERENCE NO 19 OF 2015:

Sh. Ravi Kumar ,
Vill: Bihar Auns,Ward No. 4 ,PO & PS: Bihat,Begusarai
Vs.

- i) The Project Manager,
M/s Navyua Engineering Co. Ltd.,
NTPC Barh, Patna (Bihar) 803213.
ii) The Joint General Manager,
NTPC/STPP
Barh,PATNA (BIHAR)

(Ministry's Order No.L-42012/12/2015-IR (DU)
dated 11.03.2015)

With

REFERENCE NO 20 OF 2015:

Sh. Binod Sah ,
S/o Sh. Rajendra Sah
Vill: Sahanoura ,PO: Chack Nawada, Pandarak,
Patna
Vs.

- i) The Project Manager,
M/s Navyua Engineering Co. Ltd.,
NTPC Barh, Patna (Bihar) 803213
ii) The Joint General Manager,
NTPC/STPP
Barh,PATNA (BIHAR)

(Ministry's Order No.L-42012/13 /2015-IR (DU) dated
11.03.2015)

With

REFERENCE NO 21 OF 2015:

Sh. Prabhakar Singh

S/O Late S.N.Singh

Vill:Varma, PO: Kathima,Distt Sheikhpora

Patna

Vs.

i) The Project Manager,

M/s Navyua Engineering Co. Ltd.,

NTPC Barh, Patna (Bihar) 803213

ii) The Joint General Manager,

NTPC/STPP

Barh, PATNA (BIHAR)

(Ministry's Order No.L-42012/14/2015-IR (DU) dated

11.03.2015)

APPEARANCES :

On behalf of the workman/Union :Mr. Sanjay Kr. Pandey,Workman & Auth.Rep.

On behalf of the Management : Mr. S.S.Roy Auth. Rep.

State : Bihar Industry : Power

Dated, Dhanbad, the 3rd October 2023.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following disputes to this Tribunal for adjudication vide their Order Nos referred to above going paras under Reference heads as per the respective Schedules:.

THE SCHEDULE OF REF.NO. 14 OF 2015

“Whether the action of the Management of M/s Navayuga Engineering Co. Ltd., to terminate the service of the workman Sri Sanjay Kumar Pandey without paying his outstanding dues of wages, Leave Encashment and terminal Benefits was correct? If not, what relief the workman is entitled for ?”

THE SCHEDULE OF REF.NO. 15 OF 2015

“Whether the action of the Management of M/s Navayuga Engineering Co. Ltd., to terminate the service of the workman Sri Sanjeev Kumar Paswan without paying his outstanding dues of wages, Leave Encashment and terminal Benefits was correct? If not, what relief the workman is entitled for ?”

THE SCHEDULE OF REF.NO. 16 OF 2015

“Whether the action of the Management of M/s Navayuga Engineering Co. Ltd., to terminate the service of the workman Sri Ravi Mandal without paying his outstanding dues of wages, Leave Encashment and terminal Benefits was correct? If not, what relief the workman is entitled for ?”

THE SCHEDULE OF REF.NO. 17 OF 2015

“Whether the action of the Management of M/s Navayuga Engineering Co. Ltd., to terminate the service of the workman Sri Niranjana Kumar without paying his outstanding dues of wages, Leave Encashment and terminal Benefits was correct? If not, what relief the workman is entitled for ?”

THE SCHEDULE OF REF.NO. 18 OF 2015

“Whether the action of the Management of M/s Navayuga Engineering Co. Ltd., to terminate the service of the workman Sri Rajesh Kumar (1) without paying his outstanding dues of wages, Leave Encashment and terminal Benefits was correct? If not, what relief the workman is entitled for ?”

THE SCHEDULE OF REF.NO. 19 OF 2015

“Whether the action of the Management of M/s Navayuga Engineering Co. Ltd., to terminate the service of the workman Sri Ravi Kumar without paying his outstanding dues of wages, Leave Encashment and T terminal Benefits was correct? If not, what relief the workman is entitled for :?”

THE SCHEDULE OF REF.NO. 20 OF 2015

“Whether the action of the Management of M/s Navayuga Engineering Co. Ltd., to terminate the service of the workman Sri Binod

Sah without paying his outstanding dues of wages, Leave Encashment and terminal Benefits was correct? If not, what relief the workman is entitled for ?”

THE SCHEDULE OF REF.NO. 21 OF 2015

“Whether the action of the Management of M/s Navayuga Engineering Co. Ltd., to terminate the service of the workman Sri Prabhakar Singh without paying his outstanding dues of wages, Leave Encashment and terminal Benefits was correct? If not, what relief the workman is entitled for ?”

2. The workmen side filed Written Statement of claim on 04.08.2015, through which following points have been raised.

- (a) Termination – illegal, unfair & unjustified.
- (b) Joined Navayuga Engg. Co. Ltd. NTPC Barh, Patna on 29.03.2007 and other dates as per statements filed separately and jointly.
- (c) Worked more than 240 days in a calendar year.
- (d) Worked till July 2014.
- (e) Worked in a permanent nature of job.
- (f) Registered attendance in company’s attendance register
- (g) Paid wage on monthly basis.
- (h) Provided all facilities as well as medical facilities and leave, etc.
- (i) Never issued warning, show cause for any mis-conduct prior to termination, no notice or compensation paid as per Section 25F.
- (j) Not paid Minimum Wage – So, dues of wages as per Minimum Wage should be paid to them.
- (k) Entitled for reinstatement with back wages.

3. The proforma party NTPC has filed statement that NTPC has no role in engagement of the workers or his termination as they have been engaged by their contractor – Navayuga Engg. Co. Ltd. NTPC Barh, Patna.

4. The workmen filed on 28.06.2022 Revised/Supplementary written statement common for all related references against the same management Navayuga Engg. Co. Ltd. site at NTPC Barh, Patna in respect of reference cases 14/2015, 15/2015, 16/2015, 17/2015, 18/2015, 19/2015, 20/2015 and 21/2015 – in total 8 cases. Common claims for all 8 references are summarized as below.

(a) Terminated from services by Navayuga Engg. Co. Ltd. NTPC Barh, Patna without paying outstanding wages, leave encashment and terminal benefits including PF and Gratuity.

(b) Details of workmen –

Nos	Sl	Names	Designation	Date of Joining	I.Card No
1.		Sanjay Kr. Pandey	Sr. Electrician	29.3.2007	4725
2.		Ravi Mandal	Hydra Operator	28.1.2012	28346
3.		Ravi Kumar	Do	28.1.2012	14657
4.		Prabhakar Singh	Do	29.6.2011	
5.		Rajesh Kumar (1)	Do	23.3.2011	16702

6.	Niranjan Kumar	Millar (M.T.) Driver	22.11.2006	10545
7.	Sanjeev Kr. Paswan	Miller Driver	02.01.2008	11792
8.	Binod Sah	Helper	04.05.2007	14739

- (c) All 8 workers required to work for 12 hours daily, paid wage per day @120 and OT for Rs. 120 per day for the period worked.
- (d) Worked for Sundays & Holidays.
- (e) Management deducted amount for PF Contribution.
- (f) Not paid leave encashment despite sufficient leave to their credit.
- (g) Not paid Bonus as per Payment of Bonus Act, 1965.
- (h) Not paid Gratuity as Payment of Gratuity Act, 1972.
- (i) Not paid Minimum Wage as per Payment of Minimum Wages Act, 1948 as applicable time to time
- (j) The management, instead of considering the demands of the workmen prevented them from performing their duties w.e.f. 08.07.2014 and were informed of termination of their services.
- (k) No notice or compensation was paid and so violated the mandatory provisions as per Section 25F of the I.D. Act, 1947.
- (l) Prayed for following reliefs –
- Payment of minimum wages for entire period
 - Payment of leave encashment
 - Payment of Bonus
 - Payment of PF
 - Payment of Gratuity
 - Payment of Notice pay and retrenchment compensation
 - Payment of Rs. 20000/- for contesting the dispute

5. Vide joint and individual petitions dated 20.05.2016 the workmen concerned represented that disputes are identical and analogous and also for authorization for filing of claim statement by Shri Sanjay Kumar Pandey on behalf of all of them respectively.

6. OP/Management (M/s. Navayuga Engg. Co. Ltd. NTPC Barh, Patna) filed their Written Statement on 22.01.2020, copy duly received by workmen side. Through W.S. Management has countered the claim of the workmen as following.

(a) Concerned workmen had filed I.D. Case before the Presiding Officer, Industrial Tribunal, Patna for the same and similar cause and reliefs. This Tribunal at Patna passed 'NO DISPUTE AWARD' by order dated 29.01.2016 and the same has been published vide notification by G.O.I on 16.02.2016. The Industrial Tribunal at Patna clearly held that

"Since there is no claim and evidence in respect of the claim made by the petitioners. So award is hereby passed as 'No Dispute Award'. No dispute award is passed accordingly."

(b) Navayuga Engg. Co. Ltd. NTPC Barh, Patna is a contractor of NTPC and registered under Contract Labour (Regulation & Abolition) Act, 1970 (CLRA) and was given the job by NTPC, Barh on contract basis for specific work & period and after completion of work/project at NTPC, Barh as well as stipulated in the contract of agreement the services of the concerned workmen disengaged and the workmen received full and final payment from the management. As such the reference of I.Ds are not maintainable.

(c) As such their claim for regularization is not legal.

(d) Their services were no longer required due to completion of work assigned to do. Thus, it is neither a matter of termination nor retrenchment but is a clear case of section 2 (oo)(bb) of the I.D. Act. Hence, they are not entitled for any relief from this Tribunal.

(e) The management has not violated provisions of I.D. Act and claims are denied.

7. The workmen, vide petition dated 18.02.2021, disagreed with the counter Written Statement of the Management and reiterated their claim for payment of Minimum Wages, Bonus, Retrenchment Compensation u/s 25F of I.D. Act, Gratuity, Leave encashment and PF. Through a petition prayed for substitution for claim in respect of

workman Sri Binod Shah in Reference Case No. 20/2015 by his widow Smt. Indu Devi, as Sri Binod Shah died in rail accident on 25.06.2015.

8. Management again through petition Dated 18.03.2021 denied all claims of the workmen concerned and submitted that the Central Govt. is not the appropriate Govt. to refer the dispute of the CLRA in respect of contract labour only.

9. Management filed copy of the submissions made before Presiding Officer, Industrial Tribunal, Patna and copy of award dated 29th January 2016 in support of their contentions in reference of ID Case No. 01 (C) of 2015 between Sri Sanjay Kumar Pandey and 8 others. In this case the names of workers in instant references before this Tribunal (CGIT-Cum-LC-2, Dhanbad) are included.

10. On the petition of substitution of Smt. Indu Devi, widow of concerned worker Sri Binod Shah on his death has been objected by Management vide reply dated 17.03.2021, in the absence of details of legal heirs, affidavit, death certificate and delayed petition after 5 years 6 months.

11. Through another petition dated 17.03.2021 the management has raised objection on changing the stand of the workmen and also raising the dispute simultaneously before two Industrial Tribunals at Patna and Dhanbad respectively.

12. Vide petition dated 18.03.2021 the management has again raised the question on maintainability of the reference and claim on the ground that the matter related to CLRA and Minimum Wages. That the dispute has already been adjudicated by the Industrial Tribunal, Patna with 'no dispute award' in absence of any claim with evidence vide notification dated 16.02.2016 by Govt. of India.

13. Through petition dated 17.11.2021 the workmen submitted that although they had raised dispute before the Industrial Tribunal, Patna they withdrew the same as the identical industrial disputes were referred to CGIT-2, Dhanbad. They also submitted claims for individual workman on Dues related to Wage, PF, Gratuity, Leave encashment, Bonus and Notice Pay. But no documentary evidence could be filed by any of them in support of the respective claims.

14. The workmen again filed individual statement of claim revising the earlier claim vide petition dated 31.03.2023. But, again they could not file any supporting document as evidence.

15. Per contra the management filed reply dated 07.08.2023 that the management has not received copy of any claim from the workmen. However, the management has submitted their stand that their written statement and replies filed earlier may be looked into before passing any order.

16. On 29.08.2023 Sri Sanjay Kumar Pandey, Sri Niranjana Kumar, Sri Ravi Kumar and Sri Prabhakar Singh, filed photo copies of some papers like Gate Passes as Contract Labour & temporary passes and attendance cards for some months. These copies of attendance cards are not authenticated by any one.

17. The management filed petition on 14.09.2023 that the photocopy of attendance cards filed by some of the workmen for few months are tampered and fabricated. In support of their statement they filed attested copies of attendance cards issued by the management company and duly attested by the Notary.

18. From the submissions of the workmen, revised statements, claims, revised claims and filing of petitions before the Asstt. Labour Commissioner (C), Patna and subsequently for adjudication by two separate Industrial Tribunals at Patna and Dhanbad simultaneously for the same cause, it seems that the concerned workmen are confused and misled lot. They could not file any single authenticated document in support of their claims as evidence. As thus, the claims are devoid of any authenticated evidence to be relied by this Tribunal on claims made.

19. That the concerned workmen seemed to be misguided is also reflected through the fact that they have submitted claims in respect of PF, Gratuity, Bonus and minimum wages which are covered under different respective Acts and not in the terms of reference as per schedules of references for the concerned workers.

20. On analysis of submissions made by both side, non filing of any evidences in support of their claim by the workmen concerned and copy of the attendance card duly notarized and statement filed that the photo copies of attendance card as filed by the workmen concerned are tampered and fabricated it is established that the workmen have failed to prove their claim on merit. Further the industrial dispute raised by the concerned workmen before the Presiding Officer, Industrial Tribunal, Patna on same matters of dispute and award passed in that Reference ID Case No. 01 (C) of 2015 between Sri Sanjay Kumar Pandey and 8 others with notification issued by Government of India on 16.02.2016 as 'NO DISPUTE AWARD' on the ground of having no claim and evidence in respect of the claim made by the petitioners.

21. Considering the above findings this Tribunal is of the opinion that the workmen concerned in the reference cases as recorded above are not entitled for any relief on the claim made by each of them. As such award is passed with no relief.

22. Summing up the entire findings and discussions it is found that the workmen could not produce any authenticated document in respect of their appointment, number of days worked/months worked during entire period of service as claimed and date of termination/retrenchment and so this Tribunal is unable to consider any compensation even as per Section 25F of the I.D. Act, 1947 as claimed and prayed by the workmen concerned.

23. At the same time it is also observed that the management could not maintain transparency in dealing with engagement of the workers on contract. Had the management maintained transparency and explained the workers full facts of contract and disengagement the workmen might not have taken the route for litigation.

24. Considering the long follow up with the Tribunal workmen may be allowed some relief as part of legal expenses made, as compensation at the rate of Rs. 10,000/- each. The management should pay Rs. 10,000/- each to the concerned workers under the noted references as per this award within 60 days of receipt of notification on publishing this award by the Government of India in Official Gazette, after due verification and authentication of the workmen concerned and to the legal heir in reference to the workman Sir Binod Sah who has been reported to have died on 25.06.2015 for which the management has objected on the substitution by his widow Smt. Indu Devi as no affidavit, death certificate and any other supporting documents with reference to her claim of substitution.

Dr.S.K.THAKUR, Presiding Officer

नई दिल्ली, 9 नवम्बर, 2023

का.आ. 1764.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलपति, इग्नू नंबर 3 हरिजन बस्ती, नेब सराय, नई दिल्ली, के प्रबंधन के संबंध में नियोजकों और श्रीमती राजेश देवी/संदर्भ संख्या. 17/2011, श्री रणजीत/संदर्भ संख्या.18/2011, श्री साहब सिंह/ संदर्भ संख्या.19/2011, श्रीमती ललिता/ संदर्भ संख्या. 29/2010, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या.17/2011,संदर्भ संख्या.18/2011, संदर्भ संख्या.19/2011, संदर्भ संख्या.29/2010, को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.11.2023 को प्राप्त हुआ था।

[सं. एल -42012/146/2010- आईआर(डीयू)/i.r.to ID No.17/2011

सं. एल -42012/147/2010- आईआर(डीयू)/ i.r.to ID No.18/2011

सं. एल -42012/148/2010 आईआर(डीयू)/ i.r.to ID No.19/2011

सं. एल -42012/81/2010- आईआर(डीयू)/ i.r.to ID No.29/2010]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th November, 2023

S.O. 1764.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.ID No.17/2011, -ID No.18/2011, ID No.19/2011, ID No.29/2010), of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to The Vice Chancellor, IGNOU No. 3 Harijan Basti, Neb Sarai, New Delhi, and Smt. Rajesh Devi/ ID No.17/2011, Shri Ranjeet/ ID No. 18/2011, Shri Shahab Singh/ ID No.19/2011, Smt. Lalita/ ID No. 29/2010, Worker, which was received along with soft copy of the award by the Central Government on 07.11.2023.

[No. L-42012/146/2010-IR (DU) i.r.to ID No.17/2011

No. L-42012/147/2010-IR(DU) i.r.to ID No.18/2011

No. L-42012/148/2010 IR(DU) i.r.to ID No.19/2011

No. L-42012/81/2010-IR(DU) i.r.to ID No.29/2010]

D. K.HIMANSHU, Under Secy.

ANNEXURE**MINISTRY OF LABOUR & EMPLOYMENT,****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT-II, NEW DELHI****Id. No. 17/2011**

Smt. Rajesh Devi,

R/o H. No. 136, Gali No. 3,

Harijan Basti, Neb Sarai,

New Delhi.

(Reference No. L-42012/146/2010-IR(DU) dated 09.03.2011

.....Claimant / workman

Id. No.18/2011

Shri Ranjeet,

Resident of 137, Balmiki Basti,

Maidan Garhi,

New Delhi.

(Reference No. L-42012/147/2010-IR(DU) dated 09.03.2011

.....Claimant / workman

Id. No. 19/2011

Shri Shahab Singh,

Resident of 123, Gali No. 3, Harijan Basti,

Neb Sarai, New Delhi.

(Reference No. L-42012/148/2010-IR(DU) dated 09.03.2011

.....Claimant / workman.

Id. No.29/2010

Smt. Lalita

R/o House No. 25, Palika Gram,

Sarojini Nagar, New Delhi-110068.

(Reference No. L-42012/81/2010-IR(DU) dated 18.08.2010)

.....Claimant / workman

Versus

The Vice Chancellor,

IGNOU No. 3 Harijan Basti,

Neb Sarai,

New Delhi

.....Management.

AWARD

Indira Gandhi National Open University (here and after referred to as the university) respondent herein was established in the year 1985 to provide cost effective and quality education to large section of the people, including those living in remote and far flung areas, through distance education programs. The university functions not only within the boarder of the country but offers educational programs to various other countries. The university has its central campus at Maidan Giri, New Delhi, which is spread over and area of about 150 acres of land. At central campus university has the strength of thousands of officers / officials working there.

The university requires considerable man power to carry out housekeeping services which includes cleaning and sanitation activities. Housekeeping service is outsourced by the university through a private contractor. In the year 2004, the university awarded the contract for housekeeping service to **Sybex computer Systems (Pvt.) Ltd.** The contractor engaged a number of sweeper and cleaners including the claimants herein to carry out its contractual and obligation. On 1st Nov. 2007 Univ. Awarded contract for housekeeping services to the new contractor namely **M/s Spic and Span Facilities Management (Pvt.) Ltd.** (in short the new contractor). Initially the new contractor decided to retain services of the sweeper and cleaners engaged by the previous contractor. But negotiation turned futile. Sweeper and cleaner resorted to an agitation and to sat on “Dharna” outside the campus of Maidan Giri of the University. University has filed the civil suit and that suit was decreed and the sweeper and cleaner were restrained to sit on Dharna outside the campus.

The claimants herein have taken their matter to the conciliation officer by way of filing their respective claim statement. Conciliation officer initiated conciliation proceedings as contemplated by sub section (1) of section 12 of the ID. Act, 1947 (herein after referred as an Act). No settlement had arrived between the parties there. Appropriate Govt. i.e Central Government has referred the reference to this Tribunal vide order dated 09.03.2011 and 29.03.2011 with the following terms: The terms of the reference are almost phrased on the similar lines except the change of the name and particulars of the claimants.

Therefore the references have been read as combinedly in the following words:

“Whether the action of the management IGNOU in terminating the service of the Smt Rajesh Devi, W/o Sh. Nirjan Singh, Sh. Ranjeet S/o Sh. Lakhn Singh, Sh. Shahab Singh S/o Late Prakash Chandra, Smt Lalita, w.e.f 01.11.2007, is just, fair and legal? If not, to what relief the concerned is entitled to and from which date?”

After receiving the reference from the Central Government, both workmen and management were asked to appear and files their respective claims and written statements.

All the claimants have averred in their statement of claim that they were appointed at the post of Safai Karamchari with the management since 2004. Their salaries were fixed Rs. 5300/- p.m. Their services were illegally terminated on 03.10.2007. They had served the legal notice of 27.12.2008 to the management but no replies were ever received. They have been performing their duties with utmost sincerity and devotion and gave no chance for any complaint against them till their services were terminated on the fate full day i.e 03.10.2007. Their further case is that management had got their signature on blank paper, stamped and non stamped and blank vouchers. They have been serving long and requested the management to provide the legal facility. Management got annoyed at this and terminated their services without assigning any reason. It is their further case that management had brought the contractor for changing their service condition in the year 2007.

The respondent had filed the written statement and taken the same plea in all the cases. He took the preliminary objection that the reference has been framed improper and a claim statement of the said reference deserves to be dismissed. The reference proceeds on a premise that there was an employer -workman relationship between the respondent and the applicants and the respondent terminated the services of the applicants illegally. The applicants were neither the workman in terms of the Act. nor their services were terminated by the management. Applicants were never appointed by the respondent. No salary / wages or any other emoluments were ever paid by the respondent to the applicants. There is no question arises of the appointment of the applicants by the respondent at the post of “Safai Karamchari” at there is no such post exists in IGNOU. Management had further taken plea that he had engaged the services of a contractor **M/s Sybex Computer System (Pvt.) Ltd.** for outsourcing housekeeping services vide agreement dated 01.11.2004. It was extended up-to 31.10.2007 from time to time. He had given the contract to another agency for out sourcing effecting from 01.11.2007 for cleaning staff. He further taken the objection that no demand notice was ever served to the management by the claimants. He further submits that claim of the claimant be dismissed out rightly as no relationship of employer and employee has been existed.

From the pleading of the parties the following issues have been framed in all the four cases. Issues have been phrased in all the cases on the similar lines and wording therefore the issues framed has been narrated in the following words on 08.05.2013:

1. Whether there does not exist relationship of employer and employee between the parties?
2. As per terms of reference.

In the present case, the workmen had tendered their affidavit in evidence. However, the management has not turned up for cross examination of the workmen/ claimants. Management had filed the affidavit of the witnesses, but it has not brought the witness for cross-examination. Therefore, virtually there was no witness on behalf of the management found on record.

To discharge onus resting upon them, the claimants have examined themselves as WW1 respectively in each of the case. They have reiterated the facts in their affidavit as mentioned in their claim statement mentioning that their services have been illegally terminated by the respondent. They have relied upon the two documents i.e security pass

Exh. WW1/A (colly) in each of the cases and copy of attendance sheet marked A in some case running into 6 pages to 18 pages. However, the claimant had mentioned in their affidavit that they had sent the demand notice dated 27.12.2008 but no copy of the demand notice have ever been produced before this Tribunal.

Out of 4 cases only in one case i.e ID. NO. 17/2011 of Ranjeet Singh Vs. IGNOU, management had not cross-examine any of the workmen. In one of the case i.e Shahab Singh Vs. IGNOU, workman has relied the copy of security pass i.e WW1/A, Copy of Muster Roll form is Exh. WW-1/B, Copy of permission slips are Exht. WW-1/C, (colly) and Copy of Attendance Sheet are Exh. WW1/D.

Arguments have been heard on behalf of the claimant by their A/R Mr. Dubey. As the management has not been appearing since long, therefore this court has not heard the arguments on behalf of the management.

The workmen counsel / A/R has centred his arguments on the premise that the testimonies of the workmen have remained unrebutted and unchallenged therefore the workmen is able to prove their cases that their services have been terminated illegally by the management i.e University. Hence, they are entitled to be reinstated with full back wages.

In case of Id. No. 17/2011 of Ranjeet Singh, during cross-examination witness is not able to produce any Appointment Letter, Bank Passbook in which his salary has been credited. . Even he is unable to give reply what was his pay at the time of his initial appointment with the management.

However, mere non-rebuttal of testimony does not make out the case of the workmen proved. Workmen have to prove their case by standing upon his/their own leg. They are required to prove that they are the employees of the respondent. Respondent /management have filed their WS denying the fact that the workmen are their employee and it's in detail mentioned the fact that the respondent University had outsourced the cleaner and the sweeper for their need and they had unfolded the sequence of the events leading to the termination of the workmen when they are engaged another contractor i.e **M/s Spic and Span Facilities Management (Pvt.) Ltd.** The petitioner had not rebutted the averment made by the management in their WS by filing of the rejoinder.

Even in the cross-examination witness Sh. Sahab Singh is unable to produce any bank passbook, appointment letter attached to substantiate his plea that he was employed by the respondent.

Hence, by all preponderance of evidence, the workmen themselves had admitted that they had been engaged by the contractor not by the respondent.

Moreover, the workmen had not produced any bank account in which their salary has been credited and by whom. Even the workmen are not able to show any appointment letter given by the University nor they have moved any application for impleading a contractor as a party in this reference, even knowing well the stand taken out by the management. If the appointment letter, termination letter and salary slip have not been produced by the workmen then naturally an adverse inference would be drawn against them, particularly when they have not moved any application u/s 91 of the evidence Act directing the management to produce the same. The relying upon the attendance sheet and the security pass do not enough to make the case of the claimant/ workmen. Security pass has been issued by the principle employer only for giving access to its premises. The wages sheet/ attendance sheet have to be verified by the principle employer. These evidences are not sufficient to prove that the claimants are the employee of the university. Hence, this issue in all the cases goes against the workmen and in favour of the management.

In view of the above finding the issue no.1, no relief can be given to the workmen / claimant. Claim of the claimants stand rejected.

Award is passed accordingly.

A copy of this award is placed in each of the file.

Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

Dictated & Corrected by me.

ATUL KUMAR GARG, Presiding Officer.

Dated 9th October,2023.

नई दिल्ली, 9 नवम्बर, 2023

का.आ. 1765.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलपति, इयू नंबर 3 हरिजन बस्ती, नेब सराय, नई दिल्ली, के प्रबंधतंत्र के संबद्ध नियोजकों और श्रीमती सुनीता/संदर्भ संख्या.20/2011, श्रीमती संतोष देवी/ संदर्भ संख्या.21/2011, श्री श्याम वीर/ संदर्भ संख्या.22/2011, श्री निरंजन/ संदर्भ संख्या.32/2011, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या.20/2011,संदर्भ संख्या.21/2011,संदर्भ संख्या.22/2011 , संदर्भ संख्या.32/2010,को जैसा कि अनुलग्नक में दिखाया गया है,प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.11.2023 को प्राप्त हुआ था।

[सं. एल -42012/149/2010- आईआर(डीयू)/i.r.to ID No.20/2011

सं. एल -42012/150/2010- आईआर(डीयू)/ i.r.to ID No.21/2011

सं.एल -42012/151/2010 आईआर(डीयू)/ i.r.to ID No.22/2011

सं. एल -42012/145/2010- आईआर(डीयू)/ i.r.to ID No.32/2011]

डी.के.हिमांशु, अवर सचिव

New Delhi, the 9th November, 2023

S.O. 1765.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.ID No.20/2011, -ID No.21/2011, ID No.22/2011, ID No.32/2011), of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to The Vice Chancellor, IGNOU No. 3 Harijan Basti, Neb Sarai, New Delhi, and Smt. Sunita/ ID No.20/2011,Smt. Satosh Devi/ ID No.21/2011, Shri Shyam Vir Singh/ ID No.22/2011, Shri Niranjana/ ID No.32/2011, Worker, which was received along with soft copy of the award by the Central Government on 07.11.2023.

[No. L-42012/149/2010-IR (DU) i.r.to ID No.20/2011

No. L-42012/150/2010-IR(DU) i.r.to ID No.21/2011

No. L-42012/151/2010 IR(DU) i.r.to ID No.22/2011

No. L-42012/145/2010-IR(DU) i.r.to IDNo.32/2011]

D. K. HIMANSHU, Under Secy.

ANNEXURE

MINISTRY OF LABOUR &EMPLOYMENT,

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT-II, NEW DELHI

Id. No.20/2011

Smt. Sunita,

Resident of 123, Gali No. 3,

Harijan Basti, Neb Sarai,

New Delhi.

(Reference No. L-42012/149/2010-IR(DU) dated 09.03.2011

.....Claimant / workman

Id. No.21/2011

Smt. Santosh Devi,

R/o 123, Gali no. 3, Harijan Basti,

New Delhi.

(Reference No. L-42012/150/2010-IR(DU) dated 09.03.2011)

.....Claimant / workman

Id. No. 22/2011

Shri Shyam Vir

Resident of 137, Balmiki Basti,

Maidan Garhi,

New Delhi.

(Reference No. L-42012/151/2010-IR(DU) dated 09.03.2011

.....Claimant / workman

Id. No. 32/2011

Shri Niranjana,

Resident of 136, Gali No. 3, Harijan Basti,

Neb Sarai, New Delhi.

(Reference No. L-42012/145/2010-IR(DU) dated 29.03.2011

.....Claimant / workman.

Versus

The Vice Chancellor,

IGNOU No. 3 Harijan Basti,

Neb Sarai,

New Delhi

.....Management.

AWARD

Indira Gandhi National Open University (here and after referred to as the university) respondent herein was established in the year 1985 to provide cost effective and quality education to large section of the people, including those living in remote and far flung areas, through distance education programs. The university functions not only within the boarder of the country but offers educational programs to various other countries. The university has its central campus at Maidan Giri, New Delhi, which is spread over an area of about 150 acres of land. At central campus university has the strength of thousands of officers / officials working there.

The university requires considerable man power to carry out housekeeping services which includes cleaning and sanitation activities. Housekeeping service is outsourced by the university through a private contractor. In the year 2004, the university awarded the contract for housekeeping service to **Sybex computer Systems (Pvt.)Ltd.** The contractor engaged a number of sweeper and cleaners including the claimants herein to carry out its contractual and obligation. On 1st Nov. 2007 Univ. Awarded contract for housekeeping services to the new contractor namely **M/s Spic and Span Facilities Management (Pvt.) Ltd.** (in short the new contractor). Initially the new contractor decided to retain services of the sweeper and cleaners engaged by the previous contractor. But negotiation turned futile. Sweeper and cleaner resorted to an agitation and to sat on “Dharna” outside the campus of Maidan Giri of the University. University has filed the civil suit and that suit was decreed and the sweeper and cleaner were restrained to sit on Dharna outside the campus.

The claimants herein have taken their matter to the conciliation officer by way of filing their respective claim statement. Conciliation officer initiated conciliation proceedings as contemplated by sub section (1) of section 12 of the ID. Act, 1947 (herein after referred as an Act). No settlement had arrived between the parties there. Appropriate Govt. i.e Central Government has referred the reference to this Tribunal vide order dated 09.03.2011 and 29.03.2011 with the following terms: The terms of the reference are almost phrased on the similar lines except the change of the name and particulars of the claimants.

therefore the reference have been read as combinedly in the following words:

“Whether the action of the management IGNOU in terminating the service of the Niranjana, S/o Late Sh. Prakash Chandra, Sh. Shyam Veer S/o Lakhan Singh, Smt. Sunita W/o Sh. Sahib Singh and Smt Santosh Devi W/o Sh.

Suresh Kumar, w.e.f 01.11.2007 is just, fair and legal? If not, to what relief the concerned is entitled to and from which date?"

After receiving the reference from the Central Government, both workmen and management were asked to appear and file their respective claims and written statements.

All the claimants have averred in their statement of claim that they were appointed at the post of Safai Karamchari with the management since 2004. Their salaries were fixed Rs. 5300/- p.m. Their services were illegally terminated on 03.10.2007. They had served the legal notice of 27.12.2008 to the management but no replies were ever received. They have been performing their duties with utmost sincerity and devotion and gave no chance for any complaint against them till their services were terminated on the full day i.e 03.10.2007. Their further case is that management had got their signature on blank paper, stamped and non stamped and blank vouchers. They have been serving long and requested the management to provide the legal facility. Management got annoyed at this and terminated their services without assigning any reason. It is their further case that management had brought the contractor for changing their service condition in the year 2007.

The respondent had filed the written statement and taken the same in plea all the cases. He took the preliminary objection that the reference has been framed improper and a claim statement of the said reference deserves to be dismissed. The reference proceeds on a premise that there was an employer -workman relationship between the respondent and the applicants illegally and the respondent terminated the services of the applicants. The applicants were neither the workman in terms of the Act. nor their services were terminated by the management. Applicants were never appointed by the respondent. No salary / wages or any other emoluments were ever paid by the respondent to the applicants. There is no question arises of the appointment of the applicants by the respondent at the post of "Safai Karamchari" at there is no such post exists in IGNOU. Management had further taken plea that he had engaged the services of a contractor M/s Sybex Computer System (Pvt.) Ltd. For outsourcing housekeeping services vide agreement dated 01.11.2004. It was extended up-to 31.10.2007 from time to time. He had given the contract to another agency for out sourcing effecting from 01.11.2007 for cleaning staff. He further taken the objection that no demand notice was ever served to the management by the claimants. He further submits that claim of the claimant be dismissed out rightly as no relationship of employer and employee has been existed.

From the pleading of the parties the following issues have been framed in all the four cases. Issues have been phrased in all the cases on the similar lines and wording therefore the issues framed has been narrated in the following words on 08.05.2013:

1. Whether there does not exist relationship of employer and employee between the parties?
2. As per terms of reference.

In the present case, the workmen had tendered their affidavit in evidence. However, the management has not turned up for cross examination of the workmen/ claimants. Management had filed the affidavit of the witnesses, but it has not brought the witness for cross-examination. Therefore, virtually there was no witness on behalf of the management has been found on record.

To discharge onus resting upon them, the claimants have examined themselves as WW1 respectively in each of the case. They have reiterated the facts in their affidavit as mentioned in their claim statement mentioning that their services have been illegally terminated by the respondent. They have relied upon the two documents i.e security part Exh. WW1/A (colly) in each of the cases and copy of attendance sheet WW1/A. However, the claimant had mentioned in their affidavit that they had sent the demand notice dated 27.12.2008 but no copy of the demand notice have ever been produced before this Tribunal.

In the case of Shyam veer he had relied one more document i.e the copy of the permission slip i.e Exh. WW1/B while the copy of the attendance sheet was exhibited as WW1/C.

Arguments have been heard on behalf of the claimant by their A/R Sh. Umesh Dubey. As the management has not been appearing since long, therefore this court has not heard the arguments on behalf of the management.

The workmen counsel / A/R has centred his arguments on the premise that the testimonies of the workmen have remained unrebutted and unchallenged therefore the workmen is able to prove their cases that their services have been terminated illegally by the management i.e University. Hence, they are entitled to be reinstated with full back wages.

However, mere non rebuttal of testimony does not make out the case of the workmen proved. Workmen have to prove their case by standing upon his/their own leg. They are required to prove that they are the employees of the respondent. Respondent /management have filed their w.s denying the fact that the workmen are their employee and he in detail mentioned the fact that the respondent University had outsourced the cleaner and the sweeper for their need and they had unfolded the sequence of the events leading to the termination of the workmen when they are engaged another contractor i.e M/s Spic and Span Facilities Management (Pvt.) Ltd. The petitioner had not rebutted

the averment made by the management in their w.s. by filing of the rejoinder. Hence, they had admitted the position that they had been engaged through contractor.

Moreover, the workmen had not produced any bank account in which their salary has been credited and by whom. Even the workmen are not able to show any appointment letter given by the University. Nor they have moved any application for impleading a contractor as a party in this reference, even knowing well the stand taken out by the management. If the appointment letter, termination letter and salary slip have not been produced by the workmen then naturally an adverse inference would be drawn against them, particularly when they have not moved any application u/s 91 of the evidence Act directing the management to produce the same. The relying upon the attendance sheet and the security pass do not enough to make the case of the claimant/ workmen. Security pass has been issued by the principle employer only for giving access to its premises. The wages sheet/ attendance sheet have to be verified by the principle employer. These evidences are not sufficient to prove that the claimants are the employee of the university. Hence, this issue in all the cases goes against the workmen and in favour of the management.

In view of the above finding the issue no.1, no relief can be given to the workmen / claimant. Claim of the claimants stand rejected.

Award is passed accordingly.

A copy of this award is placed in each of the file.

Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

Dictated & Corrected by me.

ATUL KUMAR GARG, Presiding Officer

Dated 6th October, 2023.

नई दिल्ली, 9 नवम्बर, 2023

का.आ. 1766.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, वल्लभभाई पटेल चेस्ट इंस्टीट्यूट, दिल्ली विश्वविद्यालय, दिल्ली; प्रबंध निदेशक, बी.के. इंटरप्राइजेज, बी-578 मादीपुर कॉलोनी, नई दिल्ली; पवन सिक्थोरिटी सर्विसेज, 217, दूसरी मंजिल, जैना टॉवर, जिला केंद्र, जनकपुरी, नई दिल्ली, के प्रबंधतंत्र के संबद्ध नियोजकों और श्री अमन, आई.डी.नंबर. 42/2020, श्री राकेश नेगी, आई.डी.नंबर. 43/2020, सुश्री रेखा, आई.डी.नंबर. 44/ 2020, श्री विकास कश्यप, आई.डी.नंबर. 45/2020, श्री गौरव, आई.डी.नंबर. 46/2020, श्री रघुबीर सिंह, आई.डी.नंबर. 47/2020, श्री प्रवीण कुमार, आई.डी.नंबर.48/2020, श्री नवीन चंद्र, आई.डी.नंबर। 49/2020,द्वारा - दिल्ली कार्यालय एवं स्थापना कर्मचारी संघ, नई दिल्ली, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या.42/2020,संदर्भ संख्या.43/2020,संदर्भ संख्या.44/2020,संदर्भ संख्या.45/2020, संदर्भ संख्या.46/2020, संदर्भ संख्या.47/2020, संदर्भ संख्या.48/2020, संदर्भ संख्या.49/2020, को जैसा कि अनुलग्नक में दिखाया गया है,प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.11.2023 को प्राप्त हुआ था।

[सं. एल -42025/07/2023- आईआर(डीयू)-200-i.r.to ID No.42/2020

सं. एल -42025/07/2023- आईआर(डीयू)-200-i.r.to ID No.43/2020

सं. एल -42025/07/2023- आईआर(डीयू)-200-i.r.to ID No.44/2020

सं. एल -42025/07/2023- आईआर(डीयू)-200-i.r.to ID No.45/2020

सं. एल -42025/07/2023- आईआर(डीयू)-200-i.r.to ID No.46/2020

सं. एल -42025/07/2023- आईआर(डीयू)-200-i.r.to ID No.47/2020

सं.एल -42025/07/2023- आईआर(डीयू)-200-i.r.to ID No.48/2020

सं. एल -42025/07/2023- आईआर(डीयू)-200-i.r.to ID No.49/2020]

डी. के. हिमांशु, अवसर सचिव

New Delhi, the 9th November, 2023

S.O. 1766.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.ID No.42/2020, -ID No.43/2020, ID No.44/2020, ID No.45/2020, ID No.46/2020, ID No.47/2020, ID No.48/2020, ID No.49/2020), of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director, Vallabhbai Patel Chest Institute, University of Delhi, Delhi ;The Managing Director, B.K. Enterprises,B-578 Madipur Colony, New Delhi ; Pawan Security Services, 217, 2nd Floor, Jaina Tower, District Centre, Janakpuri, New Delhi , and Shri Aman, I.D.NO. 42/2020, Shri Rakesh Negi, I.D.NO. 43/2020,Ms. Rekha, I.D.NO. 44/ 2020, Shri Vikas Kashyap, I.D.NO. 45/2020, Shri Gaurav, I.D.NO. 46/2020, Shri Raghubir Singh, I.D.NO. 47/2020,Shri Praveen Kumar, I.D.NO.48/2020, Shri Naveen Chander, I.D. NO. 49/2020,Through-Delhi Office & Establishment Employees Union,New Delhi, Worker, which was received along with soft copy of the award by the Central Government on 07.11.2023.

[No. L-42025/07/2023-IR (DU)-200-ID No.42/2020
No. L-42025/07/2023-IR (DU)-200-ID No.43/2020
No. L-42025/07/2023-IR (DU)-200-ID No.44/2020
No. L-42025/07/2023-IR (DU)-200-ID No.45/2020
No. L-42025/07/2023-IR (DU)-200-ID No.46/2020
No. L-42025/07/2023-IR (DU)-200-ID No.47/2020
No. L-42025/07/2023-IR (DU)-200-ID No.48/2020
No. L-42025/07/2023-IR (DU)-200-ID No.49/2020]

D. K. HIMANSHU, Under Secy.

ANNEXURE

**MINISTRY OF LABOUR & EMPLOYMENT CGIT-COM-LABOUR COURT –II, ROOM NO. 208,
2nd FLOOR, ROUSE AVENUE DISTRICT COURTS COMPLEX, I.T.O., NEW DELHI-110002.**

I.D.NO. 42/2020

Sh. Aman,

Through-Delhi Office & Establishment Employees Union,
13-A, Rouse Avenue, ITO, and New Delhi-110002

I.D.NO. 43/2020

Sh. Rakesh Negi,

Through-Delhi Office & Establishment Employees Union,
13-A, Rouse Avenue, ITO, and New Delhi-110002

I.D.NO. 44/ 2020

Ms. Rekha,

Through-Delhi Office & Establishment Employees Union,
13-A, Rouse Avenue, ITO, and New Delhi-110002

I.D.NO. 45/2020

Sh. Vikas Kashyap,

Through-Delhi Office & Establishment Employees Union,
13-A, Rouse Avenue, ITO, and New Delhi-110002

I.D.NO. 46/2020

Sh. Gaurav,

Through-Delhi Office & Establishment Employees Union,
13-A, Rouse Avenue, ITO, and New Delhi-110002

I.D.NO. 47/2020

Sh. Raghubir Singh,

Through-Delhi Office & Establishment Employees Union,

13-A, Rouse Avenue, ITO, and New Delhi-110002

I.D.NO.48/2020

Sh. Praveen Kumar,

Through- Delhi Office & Establishment Employees Union,

13-A, Rouse Avenue, ITO, New Delhi -110002

I.D. NO. 49/2020

Sh. Naveen Chander,

Through-Delhi Office & Establishment Employees Union,

13-A, Rouse Avenue, ITO, and New Delhi-110002

....Applicants/Claimants

VERSUS

1. The Director,

Vallabhbhai Patel Chest Institute,

University of Delhi,

Delhi-110007.

2. The Managing Director,

B.K. Enterprises

B-578 Madipur Colony, New Delhi -110063

3. Pawan Security Services,

217, 2nd Floor, Jaina Tower,

District Centre, Janakpuri, New Delhi – 110058.

...Managements/Respondents

AWARD

Present:

None for the claimant.

Sh. G. K Pathak, Ld .A/R for the management no. 1.

None for the management no. 2.

Management no. 3 had already been ex-parte.

By this composite order I shall dispose off the eight cases filed by the claimants. All the eight cases have been taken together because in all the cases respondent are same. Issues are also same. Only the workmen are different.

Record pursued. The present cases are fixed for workman evidence. However, today workman has not appeared nor any witness has been produced. Management No. 3 had already been proceeded ex-party vide order dated 03.01.2022.

As per record the present cases have been filed by the claimants/workmen against the Respondents under section-2A of the I.D. Act after obtaining the failure report.

Claimant claims to be employed with the Respondent No.-1 through Respondent No.-2 at different post i.e Office Assistant, Junior Assistant, Technical Assistant and Lab Attendant and they had been drawing the salary of Rs. 15,070/- to 18960/- per month. Claimants were performing their duties with sincerity and devotion. However, management no. 1 had issued an E-tender dated 18.10.2018 for providing manpower on outsourcing basis for skilled/ unskilled job. E-tender was successfully allotted to the management no. 3 as informed by the management no. 1. Interviews were conducted by the management no. 2. However, management no. 2 informed that management no. 1 did not wish to take them on job. Hence, management no. 3 had terminated the services of the claimants illegally w.e.f 01.05.2019 without giving any prior termination notice or any notice pay in lieu of the notice period.

Hence, claimants filed the claim with the prayer that they be reinstated in service with full back wages.

Notice was sent to managements. Management no.1 and 2 have appeared and filed their written statement respectively. Management No.- 3 had already been proceeded ex-party vide order dated 03.01.2022.

However, no rejoinder has been filed. Issues were framed. Thereafter, workmen were asked to lead evidence in support of their claim. Despite providing several opportunity workmen has not come forward for filing of their affidavit and remained absent.

In view of above facts on record when the workmen are not interested in pursuing their claim as reflected from the record, then no useful purpose be served to keep these claim files to proceed further.

Hence, this Tribunal has no option except to pass the no disputant award. Accordingly, no disputant award is hereby passed.

Send a copy of this award to the appropriate government for notification under section 17 of the I.D. Act 1947.

ATUL KUMAR GARG, Presiding Officer

Dated: 03rd October, 2023

नई दिल्ली, 9 नवम्बर, 2023

का.आ. 1767.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिलायंस कम्युनिकेशन लिमिटेड, महाराजा रणजीत सिंह मार्ग, जाकिर हुसैन कॉलेज पीछे, नई दिल्ली; सिंह इंजीनियरिंग, वसुंधरा, गाजियाबाद, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री जीवन कुमार, कामगार, द्वारा-भारतीय राष्ट्रीय प्रवासी श्रमिक संघ, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या. 53/2021, को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.11.2023 को प्राप्त हुआ था।

[सं. एल -42025/07/2023-203-आईआर(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th November, 2023

S.O. 1767.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.ID No.53/2021), of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to Reliance Communication Ltd., Maharaja Ranjit Singh Marg, Behind Zakir Hussain College, New Delhi; Singh Engineering, Vasundhara, Ghaziabad, and Shri Jiwan Kumar, Worker, Through-Indian National Migrant Worker's Union, Kalkaji, New Delhi, which was received along with soft copy of the award by the Central Government on 07.11.2023.

[No. L-42025/07/2023-203-IR (DU)]

D.K.HIMANSHU, Under Secy.

ANNEXURE

MINISTRY OF LABOUR & EMPLOYMENT, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM- LABOUR COURT-II, NEW DELHI

I.D. No. 53/2021

Sh. Jiwan Kumar, S/o Sh. Bhagwan Das,

R/o House No.449, Gokalpuri, North East Delhi—110094.

Through-Indian National Migrant Worker's Union,

1770/8, 3rd Floor Govind Puri Extn. Main Road, Kalkaji,

New Delhi—110019.

...Applicant/Claimant

Versus

1. Reliance Communication Ltd.,

Maharaja Ranjit Singh Marg, Behind

Zakir Hussan College, New Delhi--110002.

2. Singh Engineering,

15/908, Sector -15, Vasundhara, Ghaziabad--201012.

...Managements/Respondents

AWARD

Record pursued. The present case is fixed for workman evidence. However, today workman has not appeared nor any witness has been produced. Management No.- 1 & 2 have already been proceeded ex-party while order dated 04-01-2022 and 22-03-2022 respectfully.

As per record the present case has been filed by the claimants/workman namely Sh. Jiwan Kumar, S/o Sh. Bhagwan Das against the Respondent No.- 1 & 2 Under Section-2A of the I.D. Act after obtaining the failure report. Claimant claims to be employed with the Respondent No.-1 through Respondent No.-2 at the post of technician and had been drawing the salary of Rs. 12,000 per month. Employers have not been providing the legal facilities to the claimants. Service record of the claimant was clean and did not have any complaint of any kind against him. His signatures were obtained on blank paper, blank vouchers etc. While he was in the service of the employer/respondent. He had asked his employer to provide legal facilities, employer got annoyed and stopped his earned wages and terminated their service on 1-06-2019. Hence, claimant filed the claim with the prayer that he be reinstated in service with full back wages.

Notice was sent to both the Management. Both the Management had not appeared and they were proceeded ex-parte vide order dated 4th of January and 22nd of March 2022 respectively and the matter was fixed for workman evidence. Despite providing a number of opportunity claimant/ workman has not come forward for filing of his Affidavit and remained absent throughout since 01-06-2022.

In view of the facts of record when the workman is not interested in pursuing his claim as reflected from the records, then no useful purpose be served to keep this claim file open for proceeding the claims of the workman.

Hence, no disputant award is hereby passed.

Send a copy of this award to the appropriate government for notification under section 17 of the I.D. Act 1947.

ATUL KUMAR GARG, Presiding Officer

Dated: 11th October, 2023

नई दिल्ली, 9 नवम्बर, 2023

का.आ. 1768.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिलायंस कम्युनिकेशन लिमिटेड, महाराजा रणजीत सिंह मार्ग, जाकिर हुसैन कॉलेज पीछे, नई दिल्ली; सिंह इंजीनियरिंग, वसुंधरा, गाजियाबाद, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री विनोद कुमार, कामगार, द्वारा-भारतीय राष्ट्रीय प्रवासी श्रमिक संघ, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या. 54/2021, को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.11.2023 को प्राप्त हुआ था।

[सं. एल -42025/07/2023-204- आईआर(डीयू)]

डी.के.हिमांशु, अवर सचिव

New Delhi, the 9th November, 2023

S.O. 1768.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.ID No.54/2021), of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to Reliance Communication Ltd., Maharaja Ranjit Singh Marg, Behind Zakir Hussan College, New Delhi; Singh Engineering, Vasundhara, Ghaziabad, and Shri Vinod Kumar, Worker, Through-Indian National Migrant Worker's Union, Kalkaji, New Delhi, which was received along with soft copy of the award by the Central Government on 07.11.2023.

[No. L-42025/07/2023-204-IR (DU)]

D.K.HIMANSHU, Under Secy.

ANNEXURE**MINISTRY OF LABOUR AND EMPLOYMENT,****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM- LABOUR COURT-II, NEW DELHI****I.D. No. 54/2021****Sh. Vinod Kumar, S/o Sh. Ganga Charan,**

R/o Ronija, Gautam Budh Nagar, Uttar Pradesh- 203209.

Through-Indian National Migrant Worker's Union,**1770/8, 3rd Floor Govind Puri Extn. Main Road, Kalkaji,****New Delhi—110019.**

...Applicant/Claimant

Versus**1. Reliance Communication Ltd.,**

Maharaja Ranjit Singh Marg, Behind

Zakir Hussan College, New Delhi-- 110002.

2. Singh Engineering,

15/908, Sector –15, Vasundhara, Ghaziabad--201012.

...Managements/Respondents

AWARD

Record pursued. The present case is fixed for workman evidence. However, today workman has not appeared nor any witness has been produced. Management No.- 1 & 2 have already been proceeded ex-party while order dated 04-01-2022 and 22-03-2022 respectfully.

As per record the present case has been filed by the claimants/workman namely Sh. Vinod Kumar, S/o Sh. Ganga Charan, against the Respondent No.-1 & 2 Under Section-2A of the I.D. Act after obtaining the failure report. Claimant claims to be employed with the Respondent No.-1 through Respondent No.-2 at the post of technician and had been drawing the salary of Rs. 12,000 per month. Employers have not been providing the legal facilities to the claimants. Service record of the claimant was clean and did not have any complaint of any kind against him. His signatures were obtained on blank paper, blank vouchers etc. While he was in the service of the employer/respondent. He had asked his employer to provide legal facilities, employer got annoyed and stopped his earned wages and terminated their service on 1-06-2019. Hence, claimant filed the claim with the prayer that he be reinstated in service with full back wages.

Notice was sent to both the Management. Both the Management had not appeared and they were proceeded ex-parte vide order dated 4th of January and 22nd of March 2022 respectively and the matter was fixed for workmen evidence. Despite providing a number of opportunity claimant/ workman has not come forward for filing of his Affidavit and remained absent throughout since 01-06-2022.

In view of the facts of record when the workman is not interested in pursuing his claim as reflected from the records, then no useful purpose be served to keep this claim file open for proceeding the claims of the workman.

Hence, no disputant award is hereby passed.

Send a copy of this award to the appropriate government for notification under section 17 of the I.D. Act 1947.

ATUL KUMAR GARG, Presiding Officer

Dated: 11th October, 2023

नई दिल्ली, 9 नवम्बर, 2023

का.आ. 1769.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिलायंस कम्युनिकेशन लिमिटेड, महाराजा रणजीत सिंह मार्ग, जाकिर हुसैन कॉलेज पीछे, नई दिल्ली; सिंह इंजीनियरिंग, वसुंधरा, गाजियाबाद, नई दिल्ली, के प्रबंधन के संबंधित नियोजकों और श्री मान सिंह, कामगार, द्वारा-भारतीय राष्ट्रीय प्रवासी श्रमिक संघ, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या. 55/2021, को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.11.2023 को प्राप्त हुआ था।

[सं. एल -42025/07/2023-205-आईआर(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th November, 2023

S.O. 1769.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.ID No.55/2021), of the Central Government Industrial Tribunal cum Labour Court-II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to Reliance Communication Ltd., Maharaja Ranjit Singh Marg, Behind Zakir Hussan College, New Delhi; Singh Engineering, Vasundhara, Ghaziabad, and Shri Maan Singh, Worker, Through-Indian National Migrant Worker's Union, Kalkaji, New Delhi, which was received along with soft copy of the award by the Central Government on 07.11.2023.

[No. L-42025/07/2023-205-IR (DU)]

D. K.HIMANSHU, Under Secy.

ANNEXURE

MINISTRY OF LABOUR & EMPLOYMENT,

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM- LABOUR COURT-II, NEW DELHI

I.D. No. 55/2021

Sh. Maan Singh, S/o Sh. Udho Ram,

R/o 180, Basant Nagar Vasant Vihar,

South West Delhi-110057

Through-Indian National Migrant Worker's Union,

1770/8, 3rd Floor Govind Puri Extn. Main Road, Kalkaji,

New Delhi—110019.

...Applicant/Claimant

Versus

1. Reliance Communication Ltd.,

Maharaja Ranjit Singh Marg, Behind

Zakir Hussan College, New Delhi-- 110002.

2. Singh Engineering,

15/908, Sector -15, Vasundhara, Ghaziabad--201012.

...Managements/Respondents

AWARD

Record pursued. The present case is fixed for workman evidence. However, today workman has not appeared nor any witness has been produced. Management No.- 1 &2 have already been proceeded ex-party while order dated 04-01-2022 and 22-03-2022 respectfully.

As per record the present case has been filed by the claimants/workman namely Sh. Maan Singh, S/o Sh. Udho Ram, against the Respondent No.- 1 & 2 Under Section-2A of the I.D. Act after obtaining the failure report. Claimant claims to be employed with the Respondent No.-1 through Respondent No.-2 at the post of technician and had been drawing the salary of Rs. 12,000 per month. Employers have not been providing the legal facilities to the

claimants. Service record of the claimant was clean and did not have any complaint of any kind against him. His signatures were obtained on blank paper, blank vouchers etc. While he was in the service of the employer/respondent. He had asked his employer to provide legal facilities, employer got annoyed and stopped his earned wages and terminated their service on 1-06-2019. Hence, claimant filed the claim with the prayer that he be reinstated in service with full back wages.

Notice was sent to both the Management. Both the Management had not appeared and they were proceeded ex-parte vide order dated 4th of January and 22nd of March 2022 respectively and the matter was fixed for workman evidence. Despite providing a number of opportunity claimant/ workman has not come forward for filing of his Affidavit and remained absent throughout since 01-06-2022.

In view of the facts of record when the workman is not interested in pursuing his claim as reflected from the records, then no useful purpose be served to keep this claim file open for proceeding the claims of the workman.

Hence, no disputant award is hereby passed.

Send a copy of this award to the appropriate government for notification under section 17 of the I.D. Act 1947.

ATUL KUMAR GARG, Presiding Officer

Dated: 11th October, 2023

नई दिल्ली, 9 नवम्बर, 2023

का.आ. 1770.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिलायंस कम्युनिकेशन लिमिटेड, महाराजा रणजीत सिंह मार्ग, जाकिर हुसैन कॉलेज पीछे, नई दिल्ली; सिंह इंजीनियरिंग, वसुंधरा, गाजियाबाद, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री इश्राउडेन, कामगार, द्वारा-भारतीय राष्ट्रीय प्रवासी श्रमिक संघ, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या. 56/2021, को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.11.2023 को प्राप्त हुआ था।

[सं. एल -42025/07/2023-206- आईआर(डीयू)]

डी.के.हिमांशु, अवर सचिव

New Delhi, the 9th November, 2023

S.O. 1770.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.ID No.56/2021), of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to Reliance Communication Ltd., Maharaja Ranjit Singh Marg, Behind Zakir Hussain College, New Delhi; Singh Engineering, Vasundhara, Ghaziabad, and Shri Ishrauddin, Worker, Through-Indian National Migrant Worker's Union, Kalkaji, New Delhi, which was received along with soft copy of the award by the Central Government on 07.11.2023.

[No. L-42025/07/2023-206-IR (DU)]

D.K.HIMANSHU, Under Secy.

ANNEXURE

MINISTRY OF LABOUR & EMPLOYMENT,

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM- LABOUR COURT-II, NEW DELHI

I.D. No. 56/2021

Sh. Ishrauddin, S/o Sh. Jafar Hussain,

R/o D – 55, Nihal Vihar, Nangloi, Paschim Vihar,

Delhi-110041.

Through-Indian National Migrant Worker's Union,
1770/8, 3rd Floor Govind Puri Extn. Main Road, Kalkaji,
New Delhi—110019.

...Applicant/Claimant

Versus

1. Reliance Communication Ltd.,
Maharaja Ranjit Singh Marg, Behind
Zakir Hussain College, New Delhi-- 110002.

2. Singh Engineering,

15/908, Sector -15, Vasundhara, Ghaziabad--201012.

...Managements/Respondents

AWARD

Record pursued. The present case is fixed for workman evidence. However, today workman has not appeared nor any witness has been produced. Management No.- 1 & 2 have already been proceeded ex-party while order dated 04-01-2022 and 22-03-2022 respectfully.

As per record the present case has been filed by the claimants/workman namely Sh. Ishrauddin, S/o Sh. Jafar Hussain, against the Respondent No.- 1 & 2 Under Section-2A of the I.D. Act after obtaining the failure report. Claimant claims to be employed with the Respondent No.-1 through Respondent No.-2 at the post of technician and had been drawing the salary of Rs. 12,000 per month. Employers have not been providing the legal facilities to the claimants. Service record of the claimant was clean and did not have any complaint of any kind against him. His signatures were obtained on blank paper, blank vouchers etc. While he was in the service of the employer/respondent. He had asked his employer to provide legal facilities, employer got annoyed and stopped his earned wages and terminated their service on 1-06-2019. Hence, claimant filed the claim with the prayer that he be reinstated in service with full back wages.

Notice was sent to both the Management. Both the Management had not appeared and they were proceeded ex-parte vide order dated 4th of January and 22nd of March 2022 respectively and the matter was fixed for workman evidence. Despite providing a number of opportunity claimant/ workman has not come forward for filing of his Affidavit and remained absent throughout since 01-06-2022.

In view of the facts of record when the workman is not interested in pursuing his claim as reflected from the records, then no useful purpose be served to keep this claim file open for proceeding the claims of the workman.

Hence, no disputant award is hereby passed.

Send a copy of this award to the appropriate government for notification under section 17 of the I.D. Act 1947.

ATUL KUMAR GARG, Presiding Officer

Dated: 11th October, 2023

नई दिल्ली, 9 नवम्बर, 2023

का.आ. 1771.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिलायंस कम्युनिकेशन लिमिटेड, महाराजा रणजीत सिंह मार्ग, जाकिर हुसैन कॉलेज पीछे, नई दिल्ली; सिंह इंजीनियरिंग, वसुंधरा, गाजियाबाद, नई दिल्ली, के प्रबंधन के संबंधित नियोजकों और श्री सुधीर कुमार, कामगार, द्वारा-भारतीय राष्ट्रीय प्रवासी श्रमिक संघ, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या. 57/2021, को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.11.2023 को प्राप्त हुआ था।

[सं. एल -42025/07/2023-207- आईआर(डीयू)]

डी.के.हिमांशु, अवर सचिव

New Delhi, the 9th November, 2023

S.O. 1771.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.ID No.57/2021), of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to Reliance Communication Ltd., Maharaja Ranjit Singh Marg, Behind Zakir Hussan College, New Delhi; Singh Engineering, Vasundhara, Ghaziabad, and Shri Sudhir Kumar, Worker, Through-Indian National Migrant Worker's Union, Kalkaji, New Delhi, which was received along with soft copy of the award by the Central Government on 07.11.2023.

[No. L-42025/07/2023-207-IR (DU)]

D.K. HIMANSHU, Under Secy.

ANNEXURE

MINISTRY OF LABOUR & EMPLOYMENT,

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM- LABOUR COURT-II, NEW DELHI

I.D. No. 57/2021

Sh. Sudhir Kumar, S/o Sh. Jaypal Singh,

R/o T- 182, Baljit Nagar, Patel Nagar, Central Delhi – 110008.

Through-Indian National Migrant Worker's Union,

1770/8, 3rd Floor Govind Puri Extn. Main Road, Kalkaji,

New Delhi—110019.

...Applicant/Claimant

Versus

1. Reliance Communication Ltd.,

Maharaja Ranjit Singh Marg, Behind

Zakir Hussan College, New Delhi-- 110002.

2. Singh Engineering,

15/908, Sector –15, Vasundhara, Ghaziabad--201012.

...Managements/Respondents

AWARD

Record pursued. The present case is fixed for workman evidence. However, today workman has not appeared nor any witness has been produced. Management No.- 1 & 2 have already been proceeded ex-party while order dated 04-01-2022 and 22-03-2022 respectfully.

As per record the present case has been filed by the claimants/workman namely Sh. Sudhir Kumar, S/o Sh. Jaypal Singh, against the Respondent No.- 1 & 2 Under Section-2A of the I.D. Act after obtaining the failure report. Claimant claims to be employed with the Respondent No.-1 through Respondent No.-2 at the post of technician and had been drawing the salary of Rs. 12,000 per month. Employers have not been providing the legal facilities to the claimants. Service record of the claimant was clean and did not have any complaint of any kind against him. His signatures were obtained on blank paper, blank vouchers etc. While he was in the service of the employer/respondent. He had asked his employer to provide legal facilities, employer got annoyed and stopped his earned wages and terminated their service on 1-06-2019. Hence, claimant filed the claim with the prayer that he be reinstated in service with full back wages.

Notice was sent to both the Management. Both the Management had not appeared and they were proceeded ex-parte vide order dated 4th of January and 22nd of March 2022 respectively and the matter was fixed for workman evidence. Despite providing a number of opportunity claimant/ workman has not come forward for filing of his Affidavit and remained absent throughout since 01-06-2022.

In view of the facts of record when the workman is not interested in pursuing his claim as reflected from the records, then no useful purpose be served to keep this claim file open for proceeding the claims of the workman.

Hence, no disputant award is hereby passed.

Send a copy of this award to the appropriate government for notification under section 17 of the I.D. Act 1947.

ATUL KUMAR GARG, Presiding Officer

Dated: 11th October, 2023

नई दिल्ली, 9 नवम्बर, 2023

का.आ. 1772.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आयुक्त, उत्तरी दिल्ली नगर निगम (एनडीएमसी), नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्रीमती रीतु, कामगार, द्वारा -महासचिव, नगरपालिका कर्मचारी संघ, तीस हजारी, दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या. 102/2022), को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.11.2023 को प्राप्त हुआ था।

[सं. एल -42011/51/2022- आईआर(डीयू)]

डी.के.हिमांशु, अवसर सचिव

New Delhi, the 9th November, 2023

S.O. 1772.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.ID No. 102/2022), of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to The Commissioner, North Delhi Municipal Corporation (NDMC), New Delhi, and Smt Reetu, Worker, Through -The General Secretary, Municipal Employees Union, Tis Hazari, Delhi, which was received along with soft copy of the award by the Central Government on 07.11.2023.

[No. L-42011/51/2022 -IR(DU)]

D.K. HIMANSHU, Under Secy.

ANNEXURE

MINISTRY OF LABOUR & EMPLOYMENT,

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT-II, NEW DELHI

Id. No. 102/2022

Smt Reetu W/o Late Sh. Surender,

Through -The General Secretary, Municipal Employees Union,

Aggarwal Bhawan, G.T Road, Tis Hazari, Delhi-110054.

(L-42011/51/2022(IR(DU))) dated 25.02.2022

.....Claimant / workman.

Versus

The Commissioner,

North Delhi Municipal Corporation (NDMC),

Dr. S.P Mukherjee, Civic Centre,

J. L Nehru Marg, New Delhi-110002.

.....Management.

AWARD

Ld. Counsel Sh. Sachin has appeared, he submits that the workman has not been touched with him nor he has been appearing. Therefore, he is unable to file the statement of claim.

In view of above facts on record. When the workman has not appearing for filing of statement of claim, no useful purpose be served to keep this file open for adjudication of the claim of the workman.

Hence, no disputant award is hereby passed.

Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

ATUL KUMAR GARG, Presiding Officer

Dated 11th October, 2023.

नई दिल्ली, 9 नवम्बर, 2023

का.आ. 1773.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राष्ट्रीय सिंधी भाषा संवर्धन परिषद, सेक्टर-1, आर. के. पुरम, नई दिल्ली; मेसर्स आकांक्षा सिक्योरिटी सर्विसेज प्रा. लिमिटेड, सत नगर, करोल बाग, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्रीमती ममता पंत, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या. 25/2019, को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.11.2023 को प्राप्त हुआ था।

[सं. एल -42025/07/2023-208- आईआर(डीयू)]

डी.के.हिमांशु, अवर सचिव

New Delhi, the 9th November, 2023

S.O. 1773.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.ID No.25/2019), of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to National Council for Promotion of Sindhi Language, Sector-1, R. K Puram, New Delhi; M/s Akanksha Security Services Pvt. Ltd. , Sat Nagar, Karol Bagh, New Delhi, and Mrs Mamta Pant, Worker, New Delhi, which was received along with soft copy of the award by the Central Government on 07.11.2023.

[No. L-42025/07/2023-208-IR (DU)]

D.K.HIMANSHU, Under Secy.

ANNEXURE

MINISTRY OF LABOUR & EMPLOYMENT,

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT-II, NEW DELHI

ID.NO. 25/2019

Mrs Mamta Pant,

R/o RZ-1-87, A, 1st Floor Mahavir Enclave Part-1,

New Delhi-110045.

.....Claimant / workman

Versus

1. National Council for Promotion of Sindhi Language,

At: West Block 8, Wing No. 07, Sector-1, R. K Puram,

New Delhi-110066.

2. M/s Akanksha Security Services Pvt. Ltd.

Off. 11683/1, Sat Nagar, Karol Bagh,

New Delhi-110005.

.....Managements.

AWARD

Present:

None for the workman.**None for the management.**

Record perused. The present case is fixed for management evidence. However, management has not appeared nor any witness has been produced. As per record the case has been filed by the claimant u/s 2A of the Id. Act after obtaining the failure report by the workman. Workman claims to be employed with the respondent no. 1 through contractor i.e Respondent no. 2 since 06.07.2015. It is the case of the workman that she got married and was conceived. Intimation is given to the management no. 1 vide dated 23.04.2018 for taking leave for caring of the child from 01.05.2018. It is further case of the workman when she has informed resuming her duty on 31.10.2018 after completing her leave, she was refused to give the work and told her services were terminated. She has taken the legal recourse. However, nothing had happened and Labour Commissioner has given the failure report. Hence, she filed the present case.

Notice was sent to the management. Management had appeared and filed the written statement. However, no rejoinder has been filed. Issues were framed. Thereafter, workman was asked to lead evidence in support of her claim. Despite providing several opportunity workman has not come forward for filing of her affidavit and remained absent throughout since framing of issues. Thereafter, this court has asked the management to lead its evidence. However, the management had not appeared nor produced any witness today.

In view of above facts on record when the workman is not interested in pursuing her claim as reflected from the record, then no useful purpose be served to keep this claim file to proceed the further.

Hence, no disputant award is hereby passed.

Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

ATUL KUMAR GARG, Presiding Officer

CGIT-cum-Labour Court-II
New Delhi.

Dated 10th October, 2023.

नई दिल्ली, 10 नवम्बर, 2023

का.आ. 1774.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अखिल भारतीय आयुर्वेद संस्थान, मथुरा रोड, गौतमपुरी, सरिया विहार, नई दिल्ली; इंद्रप्रस्थ सूचना प्रौद्योगिकी संस्थान, ओखला औद्योगिक एस्टेट चरण-III, नई दिल्ली; ओरियन सिक्योरिटी सॉल्यूशंस प्रा. लिमिटेड, शाहपुर जाट, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्रीमती रूबी पांडे, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 46/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.11.2023 को प्राप्त हुआ था।

[सं. एल -42025-07-2023-202-आईआर(डीयू)]

डी.के. हिमांशु, अवर सचिव

New Delhi, the 10th November, 2023

S.O. 1774.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 46/2019) of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to All India Institute of Ayurveda, Mathura road, Gautampuri, Saria Vihar, New Delhi ; Indraprastha Institute Of Information Technology, Okhla Industrial Estate Phase-III, New Delhi ; Orion Security Solutions Pvt. Ltd., Shahpur

Jat, New Delhi, and Smt. Ruby Pandey, which was received along with soft copy of the award by the Central Government on 09.11.2023.

[No. L-42025-07-2023-202-IR (DU)]

D.K. HIMANSHU, Under Secy.

ANNEXURE

MINISTRY OF LABOUR & EMPLOYMENT,

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI.

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 46/2019

Date of Passing Award- 16th May, 2023

Between:

Smt. Ruby Pandey, W/o Sh. Raju Pandey,
House No. 15/160, Dakshin Puri, Ambedkar Nagar,
New Delhi-110062.

Workman

Versus

1. All India Institute of Ayurveda,
Mathura road, Gautampuri, Saria Vihar,
New Delhi-110076.
2. Indraprastha Institute Of Information Technology,
Okhla Industrial Estate Phase-III,
New Delhi-110020.
3. Orion Security Solutions Pvt. Ltd.
5-E, 1st Floor Jungi House,
Street No. 5, Near BSES Power Station,
Shahpur Jat. New Delhi-110049.

Managements

Appearances:-

Sh. Vijay Pal, Ld.A/R for the claimant.

Sh. Puneet Vershney, Ld.A/R for the management no. 3.

AWARD

This is an application filed u/s 2A of the ID. Act wherein the claimant had alleged illegal termination of service by the mgt no. 1 being the principle employer. In the claim petition, the claimant had prayed for reinstatement into service alongwith full back wages.

Being noticed the mgt no. 3 appeared and filed written statement challenging the maintainability, though admitted the employee and employer relationship. But the mgt no. 1 and 2 proceeding exparte. During the pendency of the proceeding the claimant and the mgt no. 3 agree for a conciliation and settlement. After several rounds of conciliation at the mediation center, the dispute has settled and a report to that effect was received. The claimant than gave a statement to the effect that for the settlement arrived which is to her full and final satisfaction, she has no further claim against any of the managements. She also filed a photocopy of the demand draft of Rs. 95000/- received by her from the Mgt no. 3, which is kept on record. Thus, considering the memorandum of settlement received from the mediation center and evidence in proof of payment of the settled amount to the claimant, this no dispute/no claim award is being passed. Hence, ordered.

ORDER

The claim be and the same is disposed of as the claimant has no claim against the managements

Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

16th May, 2023

PRANITA MOHANTY, Presiding Officer